

CITY OF OREM  
CITY COUNCIL MEETING  
56 North State Street Orem, Utah  
August 25, 2015

**3:30 P.M. WORK SESSION – PUBLIC SAFETY TRAINING ROOM**

CONDUCTING

Mayor Richard F. Brunst

ELECTED OFFICIALS

Councilmembers Hans Andersen, Margaret Black, Tom Macdonald, Mark E. Seastrand, David Spencer, and Brent Sumner

APPOINTED STAFF

Brenn Bybee, Assistant City Manager; Steve Earl, Deputy City Attorney; Richard Manning, Administrative Services Director; Karl Hirst, Recreation Director; Chris Tschirki, Public Works Director; Brett Larsen, Fire Marshall; Gary Giles, Police Department Director; Charlene Crozier, Library Director; Jason Bench, Planning Division Manager; Paul Goodrich, Traffic Engineer; Sam Kelly, Engineer; Neal Winterton, Water Division Manager; Reed Price, Maintenance Division Manager; Ryan Clark, Economic Development Division Manager; Brandon Stocksdales, Long Range Planner; Steven Downs, Assistant to the City Manager; and Jackie Lambert, Deputy City Recorder

EXCUSED

Jamie Davidson, City Manager

UPDATE – Crime Analytics Program

Chief Giles introduced the City Council to the Crime Analytics program used by the Orem Police Department to track and monitor criminal activities throughout the city. The program could be accessed at [www.raidsonline.com](http://www.raidsonline.com) for public use, though for obvious reasons certain criminal activities were not available for the public to monitor. Icons on the map didn't identify specific addresses to avoid target or embarrass people. Chief Giles said "pelican" boxes placed at specific intersections could remotely monitor traffic while blending in at the site. That enabled officers to identify traffic conditions in specific areas for times of higher traffic speeds. It was a more efficient use of officers' time. He said these were especially helpful in school zones.

Mr. Andersen asked about the level of specificity the information could provide, for example if it detailed whether vehicular accidents were related to drugs or alcohol. Chief Giles said that would require a different level of inquiry from the system. He said he believed some vehicular accidents were drug- or alcohol-related, but not a majority.

Chief Giles said his goal was for officers to improve "problem areas" for traffic and reduce the number of traffic accidents in the city.

Mr. Andersen asked how many traffic tickets were written a day, and Chief Giles said anywhere from 80 to 120 tickets a month, depending on the specific targeting the traffic unit was doing at

the time. They were looking to solve problem behaviors to reduce the number of traffic accidents.

#### REPORT – Victim Advocates

Renee Flitton, Victim Advocate with the City of Orem Police Department, presented a report of the Victim Advocates program. She said Utah County was a fortunate place to live, as there were many resources available for victims of crime. The Children's Justice Center (CJC), located in Provo, was a great resource for the crimes involving children and minors. She shared a video presentation titled "Help Stop Child Abuse in Utah County – Children's Justice Center". The video could be found on [www.youtube.com](http://www.youtube.com).

Mrs. Crozier said Orem had a long history with the CJC and some CDBG funding went to them. She reiterated the point made in the video that the facility was the responsibility of the community. The CJC had many community events and were always appreciative of Orem's contributions. She said the CJC was a quality, long-term agency in the community and she could not think of a better group of professionals to help children.

Mayor Brunst asked where the CJC was located. Ms. Flitton said about 300 South 100 East in Provo, but made services available for the whole county. The Division of Family and Child Services (DCFS) also met with children at the CJC. There were many volunteers who helped at the CJC, and there were counseling groups that worked with children at night.

Mr. Andersen asked how many children were there on a regular basis.

Ms. Flitton said they were never there over-night; if DCFS deemed that a child's situation was not acceptable, they set them up in foster care situations. Ms. Flitton said only a few weeks ago Orem's sex crime unit had twelve referrals on one day. The unfortunate truth was that the crimes against children were present in the community, but there were great resources available to try and help these children gain some normalcy in their lives. Ms. Flitton said there were other grants similar to Orem's Victim Advocates program that were federal grants allocated by the state.

#### UPDATE – Dog Park Location

Mr. Hirst said there was a lot of public interest in building a dog park in Orem, as Provo's dog park was very popular. He received many phone calls a week from dog owners interested in having an Orem dog park. He said it would not be easy picking the right spot for what people were calling "Orem's Bark Park", because there were pros and cons to each location and many differing opinions. He said the Recreation Advisory Commission (RAC) had looked at many proposed locations and he was now presenting their top recommendations. The RAC looked specifically at not taking away any flat grass areas that could be used for baseball, soccer, lacrosse, etc. as well as looking for adequate parking and water connections for fountains. Mr. Hirst mentioned some of the RAC recommendations as follows:

- Bonneville Park
  - Pros:
    - Not located near school
    - Bathrooms close
    - Playground nearby

- Cons:
  - Issues with retention pond flooding
  - Limits open space for sports activities
- Sharon Park
  - Pros:
    - Central location
    - Mature trees
    - Park lighting in area
  - Cons:
    - Center of a trail
    - Often used for soccer
    - Not convenient for parking
- Windsor Park
  - Pros:
    - Adequate parking
    - Interesting terrain and some mature trees
    - Screened from school
  - Cons:
    - Often programmed for sports
    - Hill would push park toward pavilion
- Cascade Park – highly recommended
  - Pros:
    - Bathrooms nearby as well as pavilion and playground
    - Lent itself to culinary water connection
    - Mature trees
    - Lights in place
    - More than adequate parking
  - Cons:
    - Proximity to eastside neighbors

Mr. Hirst said the shape of the identified dog park area at Cascade Park provided for small and large dog areas. He reiterated that each suggested location had pros and cons, but they were trying to look for a location that would be the most workable.

Mayor Brunst asked what would go into the dog park.

Mr. Hirst said it would include:

- A six-foot fence around the outside for the large dog area
- A four-foot fence around the small dog area
- Water fountains for both the owners and the dogs
- Entrances would have “double-double” doors to keep the dogs from getting out of the fenced areas
- With further fundraising they could install benches and canine exercise equipment

Mrs. Black asked about using the alternative space identified at Cascade Park and whether it would be possible to move the ball field into the other area. She expressed concern about the proximity to homes.

Mr. Hirst said the alternative spot would move the ball field but the other area would be very tight to have a ball field in. The alternative spot would also be closer to the school. He understood the concerns about the homes but thought the lots were deep enough to provide some natural buffers, and most had their own landscaping screens. They could include more trees and hedges to shield the dog park on the east side.

Mr. Seastrand asked if they would move the playground, and Mr. Hirst said they would not.

Mr. Sumner asked about the budget to build and maintain this park.

Mr. Hirst said they had allocated \$75,000 to build. The maintenance for that kind of park was a little more intensive than a park with a playground.

Mayor Brunst asked about the timeline for the project. Mr. Hirst said he would first get direction from the Council as to the location. Once they had the greenlight from the Council, the City would send the project out to bid.

Mr. Downs said much of the feedback about the dog park had been positive. He reiterated Mr. Hirst's point that no one park was an obvious location so some concerns had been voiced.

Mayor Brunst asked about parking. Mr. Hirst said he anticipated a parking situation similar to Provo's dog park, which generally had between fifteen and twenty cars.

Mr. Seastrand asked how the neighbors felt about this proposed location.

Sid Sandberg, resident in the Cascade neighborhood, asked that the Council table the discussion to allow for input from the neighbors in the proposed dog park area. He said having a dog park against his backyard was not what he had in mind when he bought his home. He did not believe a dog park would be a favorable amenity to the neighborhood.

Mr. Hirst said they were looking for the Council to narrow down the location possibilities, and then they would move forward with notifying the neighbors and getting necessary feedback.

Mr. Sumner asked about Palisade Park as a potential location.

Mr. Hirst said they planned to build the splash pad at Palisade Park, and a dog park would take up a lot of area there. He also advised it would not be wise to put too many attractions into one park. He said he would provide the Council with the finer points of the RAC discussion and would look to them for further guidance.

#### DISCUSSION – Utility Service Plan

Mr. Downs said the agreements were still being finalized, but when they were ready they would bring the agreement to the Council at the September 8, 2015 City Council meeting.

Mayor Brunst said he spoke to the CEO of Utility Service Partners, Inc. and learned that they were partnered with cities like Atlanta, Phoenix, and San Diego to name a few. The CEO mentioned they typically had about ten to fifteen percent sign up in a City. The Macquarie Group was an investor in their company, but had no say in any of their operations. Mayor Brunst said he

was not certain if Utility Service Partners, Inc. had a reinsurance group. He said they sent out only four mailers/fliers a year but helped educate residents as to what responsibilities they had with their utility connections. He thought this was a good program where people could sign up if they wanted and could cancel service at any time to seek out other options.

Mrs. Black said there was an RFP done by the City looking for this kind of service, and she asked how many respondents there were to that RFP.

Mr. Downs said there had been three respondents to the RFP. The City used BidSync to advertise the RFP, as well as listing the notice in the newspaper. He said there were a few specialized groups that offered these services for this magnitude. The partnership with Utility Service Partners, Inc. would ensure that any mailers being sent with the Orem logo were approved first by the City. He said the education to the residents was invaluable for the City and working together they could potentially solve specific concerns for Orem residents.

#### DISCUSSION – Southwest Annexation

Mr. Bench reviewed with the Council the process for the evening session's discussion about the proposed Southwest Annexation. He provided an outline explaining the sequence of events for the items on the agenda.

Mr. Macdonald asked about further discussions with the developers about potential options that would work for their proposed projects.

Mr. Bench said the PD zones would take away available ERUs in the remaining area. General Plan approval was a guideline, but a PD zone could still be adopted. He said there would be development agreements between the City and the developers, as well as a pioneering agreement, that would require them to install the necessary infrastructure.

Mayor Brunst asked for clarification on the pioneering agreement. He also asked if Jeff Mansell, developer for the proposed PD-43 zone, was willing to pay for the initial infrastructure and then be reimbursed through impact fees.

Mr. Bench said the pioneering agreement would reflect one or both of the developers depending on the Council's decisions on previous items. The pioneering agreement would also speak to the developer's responsibilities about installation of infrastructure and how the reimbursement through impact fees would work.

Mr. Andersen said he wanted to address a statement from the culinary water report that Lewis and Young put out. "Orem City analyzed the water storage system and determined that there is no excess capacity which can be utilized by the annexation area. A new storage tank could be built to service the area, but the state storage requirements can also be met by constructing a new well in the area. The new well would be more cost effective and would still satisfy the state requirements. The City has chosen to pursue this course of action." He said a well would need to be built, and he thought that cost should also be covered by the developers.

Mr. Winterton said a well in that area would serve existing Orem area needs as well as the Southwest Annexation area. The two wells listed in the Master Plan were not required solely for the annexation area.

Fred Philpot, with Lewis and Young, said the Impact Fee Analysis did include well construction, with the well in the annexation area estimated for \$1.25 million with additional distribution to get the total of approximately \$3 million of infrastructure costs. Storage was being accounted for through the acquisition and construction of a well. If there was an agreement in place that the developer fund that cost, that would be a separate agreement and the impact fee in that case would be a reimbursement mechanism.

Mr. Mansell said the construction of a well was not factored in to what the developers would pay. The proposal was that developers would put in the infrastructure to bring sewer, water, and storm drain down to the area and if there was an overage on that cost versus the impact fees, the additional impact fees would go toward additional improvements to the overall system. It would be paid for long-term through the impact fees, but it was not specifically identified in the number the developers had.

Mr. Bench said these developers were not exclusively responsible for the build out of infrastructure in the area, but the infrastructure would be built out over time.

Mr. Andersen said the storage and the water issue needed to be addressed and the \$3 million would need to be added into the costs. Mr. Winterton said the City needed the well either way for strategic operational needs, and Mayor Brunst added that impact fees would pay for the capacity as units came online.

Mr. Philpot said it may be a matter of borrowing capacity. The impact fee was about proportionality, making sure the new developments paid their fair share for infrastructure costs. With an annexation area there was the potential to use existing resources to get the area “started”, but the impact fees were still proportionate to allow new development. This had excess capacity; it was not being given to the annexation area. In the short-term some of the excess capacity may be utilized for the development to come online and as infrastructure was built through impact fees that infrastructure then replaced the borrowing of excess capacity. For the purpose of the calculation of impact fees they were including the 100 percent cost of all new infrastructure, rather than taking an average of excess capacity versus future facility costs.

Mayor Brunst said the report was not saying the City did not have excess capacity. It was saying that the capacity was not planned long-term for this facility, and the impact fees would pay for it.

Mr. Bybee said the excess capacity could not subsidize the rate of the impact fee because a level of service had to be maintained for the new growth areas.

Mr. Philpot said the impact fee included costs of \$1.25 million for a well in the annexation area. If that cost was actually \$3 million for just the well, then the impact fee would need to be updated. He believed that amount accounted for total construction costs for distribution lines and fire hydrants. The \$1.25 million was included in the impact fees; they were not borrowing or utilizing any excess capacity to offset the cost. The City needed to be aware that as development and capital cost realities came to fruition the impact fees might need to be adjusted to capture accurate costs.

Mayor Brunst said the City adjusted fees every year in the budget according to need. He said the City would not be stuck with the cost of the well, but it would be paid for through impact fees as development occurred.

Mr. Winterton reiterated that the City needed the well, and with the impact fees in the annexation area coming online current residents would not have to help pay for the well, but new development would pay for it.

Mr. Seastrand said the City was trying to utilize capacity effectively, utilize water shares effectively, and manage the resource effectively.

Mayor Brunst said the storage tank only covered 22 million gallons, and during summer months the City went through 60 million gallons a day. There was storage by the hour. In the winter, 10 million gallons were used. Regardless of anything going on in the annexation area, there was great need to build another storage tank.

Mrs. Black stated that the well was needed in the area, even if the area was not annexed. This was a means to receive help in paying for needs in the area.

Ken Olsen, working with the McDougal project, said the McDougal property was an integral part in looping the sixteen inch water line through the area. The major expense would be on the developers and not the City.

#### **5:00 P.M. STUDY SESSION – PUBLIC SAFETY TRAINING ROOM**

##### **CONDUCTING**

Mayor Richard F. Brunst

##### **ELECTED OFFICIALS**

Councilmembers Hans Andersen, Margaret Black, Tom Macdonald, Mark E. Seastrand, David Spencer, and Brent Sumner

##### **APPOINTED STAFF**

Brenn Bybee, Assistant City Manager; Steve Earl, Deputy City Attorney; Richard Manning, Administrative Services Director; Bill Bell, Development Services Director; Karl Hirst, Recreation Director; Chris Tschirki, Public Works Director; Brett Hansen, Fire Marshall; Gary Giles, Police Department Director; Charlene Crozier, Library Director; Jason Bench, Planning Division Manager; Sam Kelly, Engineer; Neal Winterton, Water Division Manager; Reed Price, Maintenance Division Manager; Brandon Stocksdales, Long Range Planner; Steven Downs, Assistant to the City Manager; and Jackie Lambert, Deputy City Recorder

##### **EXCUSED**

Jamie Davidson, City Manager

##### **Preview Upcoming Agenda Items**

Staff presented a preview of upcoming agenda items.

### Agenda Review

The City Council and staff reviewed the items on the agenda.

### City Council New Business

Mr. Bybee said they had improved the application process for those interested in serving on an advisory board or commission. He shared the updated application with the Council.

Mayor Brunst said a flier recently distributed by Mr. Andersen was not from the City, but from Mr. Andersen alone. The Mayor also referred Mr. Andersen to consult the Candidates Guide as far as parking his campaign van in front of the City Center.

Mr. Earl said the City's sign ordinance said a vehicle sign was allowed unless it was used for the purpose of displaying advertising. He said using a vehicle with signs on it during the ordinary course of one's business was fine, but parking at busy intersection with no other purpose than to advertise was illegal.

Mayor Brunst gave a brief update about meetings with the Utah County Clerk's Office and the City about the special election November 2015 and using the Vote By Mail system for Orem.

Mr. Andersen asked if anyone was interested in discussing a change of government for the City. Mayor Brunst said he thought there would be better times to discuss that.

The Council adjourned at 5:51 p.m. to the City Council Chambers for the regular meeting.

### **6:00 P.M. REGULAR SESSION – COUNCIL CHAMBERS**

#### CONDUCTING

Mayor Richard F. Brunst, Jr.

#### ELECTED OFFICIALS

Councilmembers Hans Andersen, Margaret Black, Tom Macdonald, Mark E. Seastrand, David Spencer, and Brent Sumner

#### APPOINTED STAFF

Brenn Bybee, Assistant City Manager; Steve Earl, Deputy City Attorney; Richard Manning, Administrative Services Director; Bill Bell, Development Services Director; Karl Hirst, Recreation Director; Chris Tschirki, Public Works Director; Scott Gurney, Fire Department Director; Gary Giles, Police Department Director; Charlene Crozier, Library Director; Jason Bench, Planning Division Manager; Sam Kelly, Engineer; Neal Winterton, Water Division Manager; Reed Price, Maintenance Division Manager; Heather Schriever, Deputy City Attorney; Brandon Stocksdales, Long Range Planner; Steven Downs, Assistant to the City Manager; and Jackie Lambert, Deputy City Recorder

#### EXCUSED

Jamie Davidson, City Manager



## INVOCATION /

## INSPIRATIONAL THOUGHT

Paul Mulliner

## PLEDGE OF ALLEGIANCE

Noah Leafgren

## APPROVAL OF MINUTES

Mr. Sumner **moved** to approve the June 24, 2015, Joint City Council/Alpine School District meeting minutes. Mr. Seastrand **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed** unanimously.

## MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

### Upcoming Events

The Mayor referred the Council to the upcoming events listed in the agenda packet.

### Appointments to Boards and Commissions

Mrs. Black **moved** to appoint Barry Merrell and John Reinhard to the Arts Council. Mr. Seastrand **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed** unanimously.

Mrs. Black **moved** to appoint Sheralyn Bennett and Chelsie Young to the Beautification Advisory Commission. Mr. Seastrand **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed** unanimously.

Mrs. Black **moved** to reappoint Paul Crossett to the Recreation Advisory Commission. Mr. Seastrand **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed** unanimously.

### Recognition of New Neighborhoods in Action Officers

Mr. Seastrand **moved** to appoint Lance King as the Lakeridge neighborhood chair. Mrs. Black **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed** unanimously.

## CITY MANAGER'S APPOINTMENTS

### Appointments to Boards and Commissions

There were no appointments to boards and commissions.

## PERSONAL APPEARANCES

Time was allotted for the public to express their ideas, concerns, and comments on items not on the agenda. Those wishing to speak should have signed in prior to the meeting, and comments were limited to three minutes or less.

May Gossard, resident, expressed concern about declining conditions in her neighborhood due to many rentals. She said there should be business license requirements for rentals. She said this was not the first time she had come before the City on this issue. She felt the Neighborhood Preservation Unit officers needed additional help as well.

Curtis Wood, resident, said he wanted to address the proposed e-cigarette ban. He said two phone calls were creating a new ordinance banning e-cigarettes, which exhaled vapor. Vapor was water in a mist form. He said he had many suggestions for other new laws, because apparently it only took two phone calls to get the ball rolling. His opinion was that this proposed law was stupid.

Sharon Anderson, resident, said she attended the utility open house about the proposed utility fee increases and use of smart meters. She distributed a flier to the Council detailing some of her concerns. She voiced concern about one Council member who became angry over her flier. She said some of her information came from numbers in the City's newsletter, so if her information was wrong so was the City's. She urged the Council to learn more about the matter and consider how to treat residents.

Kathy Young, resident, spoke in opposition to a utility fee increase. She shared some neighbors' comments on the matter. It would be a great hardship on the families of the City because they could not afford the increases.

Barbara Petty, resident, said she wanted consideration for the people who needed mercy the most. She asked if the utility fee increases were adding to or easing financial burdens on the Orem residents. She shared statistics about the poverty level in Orem, saying more than one in six was living below the poverty line. She said scriptures reminded us of the need to protect the needs of the poor and appealed to the compassionate side of the Council to think of the people who would be burdened by the increases.

## **CONSENT ITEMS**

There were no Consent Items.

## **SCHEDULED ITEMS**

### **MOTION – Canvass and Certification – 2015 Municipal Primary Election Results**

Donna Weaver, City Recorder, presented a staff recommendation that the City Council complete the canvass and, by motion, certify the 2015 Municipal Primary Election results. Pursuant to State law, it is necessary for the City Council, as the Board of Canvassers, to canvass the election no sooner than fourteen days after the completion of the ballot. After the canvassing has been completed, it will be necessary for the Council to officially certify the results of the Canvass.

Mrs. Weaver said the Vote By Mail (VBM) effort was a phenomenal success, with approximately 25% voter turnout. Voter turnout was better than even the 2013 General Election

turnout which had a mayoral race and two money issues on the ballot. She said the post office assured her that they had done everything they could to help the ballots be returned in a timely manner. She noted that there was some push to canvass earlier, and she while she recognized the tough situation it was for candidates to wait for the canvass there were state law requirements that a canvass could not be conducted prior to thirteen days after the election. The idea was to allow for military and overseas voters enough time to postmark and return their ballots so those voters were not disenfranchised. Mrs. Weaver noted that the manner of counting the ballots was the same method used in previous years with optical scanners. One thing done in the canvass was reviewing the preliminary figures, and it was found that the Excel spreadsheet that was used to input figures had a small error where Mr. Grierson's numbers were duplicated in one precinct. A few input typos were found and corrected, and the Excel formula was corrected. She said they were able to count 1,383 additional ballots, including provisional ballots cast by in-person voters that may not have received a mailed ballot or needed to correct their address information.

Mrs. Black **moved** that the City Council:

1. Ratify the following changes to the preliminary results:

- Lorne Grierson from 2593 to 2215
- Jessica Joy Street from 980 to 969
- Tai Riser from 3083 to 3084
- Claude C. Richards from 2312 to 2311

2. Certify the election results with the following changes:

Mark Seastrand .....	4678.....	5433
Hans V. Andersen .....	3761.....	4445
Debby Lauret .....	3630.....	4257
Tai Riser.....	3084.....	3635
Sam Lentz .....	2768.....	3279
Claude C. Richards .....	2311.....	2778
Lorne Grierson .....	2215.....	2684
Curtis Wood.....	1369.....	1580
Jessica Joy Street.....	969.....	1084
Shirl Joseph Finch.....	855.....	965

3. Declare 4-year term City Council candidates Mark Seastrand, Hans V. Andersen, Debby Lauret, Tai Riser, Sam Lentz, and Claude C. Richards to be nominated to the General Municipal Election on November 3, 2015.

Mayor Brunst **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed** unanimously.

ORDINANCE – Amend Section 13-1-1 of the Orem City Code to define electronic cigarette and to prohibit the use of electronic cigarettes on City-owned property or at mass gatherings

Mr. Hirst, Recreation Director, recommended that the City Council, by ordinance, amend Section 13-1-1 of the Orem City Code to define electronic cigarette and prohibit the use of electronic cigarettes on City-owned property or at mass gatherings.

The City currently prohibited the use or smoking of any lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment on City-owned property and at mass gatherings. In recent years, there had been a dramatic increase in the use and sale of electronic cigarettes or e-cigarettes. An electronic cigarette was a battery-powered device that atomized a nicotine-containing solution that the consumer inhaled similar to a conventional cigarette.

During the 2015 legislation session, the Utah State Legislature enacted laws that regulated the manufacturing of e-juice (the nicotine-containing solution that was vaporized when an electronic cigarette was inhaled) and the sale of electronic cigarettes, equipment, and supplies. Additionally, the Utah State Legislature had banned the use of electronic cigarettes in the same indoor areas where smoking was prohibited. See Utah Indoor Clean Air Act, title 26, chapter 38 of the Utah Code.

Like the smoking of traditional cigarettes, the use of electronic cigarettes may pose significant health threats to those using the electronic cigarettes and those in close proximity. In recent months, the Director of Recreation had received a number of complaints about the use of electronic cigarettes on City-owned property or during mass gatherings.

To protect the health and safety of residents and those who visit City-owned property and participate in mass gatherings, the Director of Recreation recommended that the Orem City Council prohibit the use of electronic cigarettes on City-owned property and at mass gatherings to the same extent those prohibitions apply to traditional cigarettes. Mr. Hirst gave some time to Jackie Larson with the Utah County Department of Public Health.

Ms. Larson shared some concerns and recommendations from the County about e-cigarettes. It could send a confusing message to have smoking banned but using e-cigarettes, or vaping, allowed in certain areas. Police were beginning to warn of people using e-cigarettes to smoke other things, like marijuana, cocaine, alcohol, forms of LSD, etc., in the public eye. Teen usage of e-cigarettes in Utah had tripled from 2011 to 2013, and it was a reasonable assumption that number had gone up since 2013. The key ingredient in an e-cigarette was nicotine, which had been proven to be toxic and could change the physical chemistry of a brain. Youth were more sensitive to nicotine, and tended to become more dependent more quickly. According to the Journal of American Medical Association, e-cigarettes were a gateway to regular cigarettes. The vapor being exhaled from an e-cigarette was not water vapor, but an aerosol. When the products were combusted it could change the chemistry of the compounds and research had found formaldehyde and other harmful chemicals like lead in the aerosol. Nicotine could still be absorbed from second-hand vapor. While some people used e-cigarettes as a tool to quit smoking, research found that the majority of e-cigarette users were also smoking regular cigarettes, making them dual users. The Utah County Department of Public Health was recommending the ban of e-cigarettes for these reasons.

Mayor Brunst said he was aware of the issue of other drugs being used in e-cigarettes, and thought this was an important issue. He asked if there was a standard by which compounds used in e-cigarettes were regulated.

Ms. Larson said there was very little, if any, regulation on the manufacturing of the chemical compounds. In a study the Salt Lake County Health Department had conducted, they found that 60 percent of labels were incorrect as to how much nicotine was in a given product. The various “flavors” available were also considered respiratory irritants in many cases.

Mrs. Schriever said the ordinance before the Council was to adopt the State’s definition of an electronic cigarette into Chapter 13 of the Orem City Code, and to include e-cigarettes as one of the means of smoking that would be prohibited on city property and at mass gatherings.

Mr. Sumner asked for clarification on whether having cigarettes or e-cigarettes in one’s possession were banned. Mrs. Schriever said cigarettes or e-cigarettes were banned if they were lit or combustible.

Mayor Brunst **moved**, by ordinance, to amend Section 13-1-1 of the Orem City Code to define electronic cigarette and to prohibit the use of electronic cigarettes on City-owned property or at mass gatherings. Mr. Sumner **seconded** the motion. Those voting aye: Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Sæstrand, David Spencer, Brent Sumner. Those voting nay: Hans Andersen. The motion **passed, 6-1**.

6:00 P.M. PUBLIC HEARING – Storm Water Utility

ORDINANCE – Rename and amend Chapter 23 of the Orem City Code – Storm Water Utility Ordinance and amend Chapters 17 and 22 to implement amendments to Chapter 23

Mr. Price recommended that the City Council, by ordinance, amend and rename Chapter 23 of the Orem City Code – Storm Water Utility and make correlative changes to Chapters 17 and 22 of the Orem City Code.

In 1996, the Orem City Council enacted Chapter 23 of the Orem City Code establishing a Storm Sewer Utility. Chapter 23 established a Storm Sewer Utility and outlined storm water management practices to be used in operating and managing the City’s storm water system. The City’s storm water management system was designed pursuant to requirements mandated by Section 402 of the Federal Clean Water Act. Utah’s Department of Environmental Quality – Division of Water Quality administered the Utah Pollution Discharge Elimination System (UPDES) which was a component of the National Pollutant Discharge Elimination System (NPDES). The City was required to obtain a UPDES permit before it could lawfully discharge storm water into the waters of the United States and the State of Utah. The City’s current UPDES permit expired on July 31, 2015.

In 1999, the Environmental Protection Agency (EPA) published the National Pollutant Discharge Elimination System – Regulations for Revision of the Water Pollution Control Program Addressing Storm Water Discharges. (Federal Register, Vol. 64, No. 235, pages 68722-68852). These regulations had since been updated, and it was now necessary for the City Council to consider amending the City’s Code to comply with state and federal rules and regulations.

**Summary Of Proposed Amendments:**

The following types of amendments to Chapters 17, 22, and 23 were being proposed:

1. Renaming, renumbering, and relocating existing provisions (general housekeeping);

2. Adding new regulatory provisions to comply with changes in state and federal rules and regulations; and
3. Including new storm water system management practices into the City's zoning and subdivision requirements.

Storm water management and the associated rules and regulations implementing management practices had evolved since the City ordinance was first adopted and that evolution was reflected in the requirements the City must meet to obtain its UPDES permit. The Public Works Director had determined that renaming the Storm Sewer Utility to the Storm Water Utility more accurately reflected the nature of the system and complied with what had become the industry standard and norm. The same reasons were the basis for renaming the Storm Water Construction Activity Permit to a Land Use Disturbance Permit.

The current ordinance had separate enforcement procedures that were found throughout the ordinance. The suggested amendments moved all of the enforcement provisions to Article 23-5 for ease of application and reference. The ordinance had been renumbered to reflect these relocations.

The bulk of the proposed amendments implemented new state and federal rules and regulations that required the City to manage and oversee the implementation of Long Term Storm Water Management in new developments and in redeveloped areas. The City was now required to "develop, implement and enforce a program to address post-construction storm water runoff to the MS4 [City's storm water system] from new development and redevelopment construction sites disturbing greater than or equal to one acre..." See Small MS4 General UPDES Permit, Permit No. UTR090000. The addition of Section 23-4-8 to the ordinance fulfilled this requirement. Additionally, changes to general performance criteria for storm water management and facilities were proposed in order to incorporate low impact designs (LIDs) and green infrastructure, and to encourage and require developers to develop and design projects that mirror the land's pre-construction hydrology.

Changes to the illegal and prohibited discharge portions of the ordinance were suggested. The content and structure of these sections should be reorganized and the types of prohibited acts should be enlarged to address new concerns. Minor changes were being proposed to the illicit discharge portion of the ordinance, and this section had also been relocated for ease of reference.

The proposed changes to Chapters 17 and 22 merely implemented the new LID and post-construction management requirements found in Chapter 23 and updated any references in those chapters to Chapter 23.

Mr. Price shared a presentation with the Council about storm water utilities and Orem's storm water utility history and codes. He reviewed the definition of storm water and the need for storm water in the city. He said similar to fire codes, storm water codes were to control and manage the potential storm water disasters and manage their impact. Managing storm water was a mandate from the federal government that was passed down through the state government to the municipalities to have storm water utilities. Storm water codes were to ensure good water quality and to protect the health and safety of the public. He said Orem's storm water system was considered an MS4, or Municipal Separate Storm Sewer System. The MS4 distinction could refer to the infrastructure used to convey storm water runoff such as the pipes and sumps, or it

could refer to the City or organization that owned the infrastructure. He reviewed the history of Orem's storm water utility. He said similar to how fire codes had changed over the years, storm water codes needed to change to adapt for best practices. The philosophical approach for storm water had changed and storm water was treated as a resource rather than a waste product. In 2010 Orem's permit was updated and renewed, and the ordinance before the Council was to reflect necessary changes in the code and begin the renewal process for the City's permit. The summary of proposed changes to City Code Sections 23 and 22 and 17 included:

- Section 23 – Storm Water Utility
  - General housekeeping
  - Changes made required by Division of Water Quality (DWQ)
    - Strengthen BMPs
    - Ensure long-term storm water runoff control
    - Require post-construction maintenance
    - Clarifies violations and penalties
- Sections 17 & 22
  - Ensure long-term storm water runoff control
  - Requirements to retain water on-site

Mr. Price further enumerated the various proposed changes to the specified code sections.

Mr. Sumner asked why the change about landscaping of front yards from one year to six months, and if that was only for residential or if that applied to commercial as well. He concern was that some residents purchased homes in late fall or winter months where landscaping was difficult.

Mrs. Schriever said that particular provision would only apply to residential. Mr. Price said the sooner a landscaped yard was in place it handled storm water better. That was the thought behind the change.

Mr. Seastrand asked if the six month timeframe was state recommendation. Mrs. Schriever said it was an attempt to put the low impact design (LID) requirements into place. It was a somewhat arbitrary number, and if the Council preferred to enlarge the timeframe that would not affect the permit in any way.

Mayor Brunst thought six months was not enough time, and if they wanted to move away from a one year timeframe then nine months was more reasonable.

Mr. Andersen preferred to leave the timeframe at one year.

Mayor Brunst opened the public hearing. There were no public comments, so Mayor Brunst closed the public hearing.

Mayor Brunst **moved**, by ordinance, to rename and amend Chapter 23 of the Orem City Code – Storm Water Utility Ordinance and amend Chapters 17 and 22 to implement amendments to Chapter 23 leaving Section 22-14-7(B) unchanged. Mr. Andersen **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed** unanimously.

6:00 P.M. PUBLIC HEARING – PD-45 – 12x12 NW Crossing Rezone – 1187 North 1200 West  
ORDINANCE – Enacting Section 22-11-58 (PD-45 zone) and Appendix MM, and amending Section 22-5-1 and Section 22-5-3(A) and the zoning map of Orem City to change the zone on 4.77 acres generally at 1187 North 1200 West from the Highway Services (HS) zone to the PD-45 zone

Mr. Bench reviewed with the Council the applicant's request that the City enact Section 22-11-58 (PD-45 zone) and Appendix MM, and amend Section 22-5-1 and Section 22-5-3(A) and the zoning map of the City of Orem to change the zone on 4.77 acres located generally at 1187 North 1200 West from the Highway Services (HS) zone to the PD-45 zone.

The applicant would like to construct a new development consisting of two 140 foot tall office buildings on the west side of 1200 West at 1187 North 1200 West. In order to allow this type of development, the applicant requested that the City Council approve the creation of the PD-45 zone.

The proposed PD-45 zone would incorporate most of the standards of the HS zone (which is the current zoning on the subject property) with a few modifications. For example, the PD-45 zone would allow a building height of 180 feet whereas the HS zone only allowed a building height of 60 feet. The PD-45 zone would also expand the list of acceptable exterior finishing materials to include stone, glass fiber reinforced concrete, composite metal panel and architectural formed concrete. Lastly, the PD-45 zone would require three accesses from 1200 West to meet the needs of this particular property. All other development standards would be the same as the HS zone.

The applicant's concept plan showed underground parking in both buildings. The concept plan also required a six (6) foot sidewalk buffered by an eight foot landscaped strip along the length of the applicant's property.

As part of this project, 1200 West would be widened to five lanes from 1200 North to the southern boundary of the subject property. Although the full five lanes would be paved in this area, only three lanes will be striped until traffic levels justify the need for all five lanes. Longer term, it was anticipated that 1200 West would be widened to five lanes between 800 North and 1600 North as funding allowed or as re-development occurred.

A neighborhood meeting was held on May 7, 2015. Fourteen people were in attendance including the applicants and City staff. Those in attendance brought up concerns regarding traffic and improvements on 1200 West to accommodate the additional traffic as well as making sure there was adequate parking on site.

The Planning Commission recommended the City Council enact Section 22-11-58 (PD-45 zone) and Appendix MM, and amend Section 22-5-1 and Article 22-5-3(A) and the zoning map of the City of Orem to rezone property located generally at 1187 North 1200 West from the HS zone to the PD-45 zone. City staff supported the Planning Commission recommendation.

Mr. Bench said the proposal included the following elements: 1 – Height; 180 feet maximum; current buildings being proposed were 140 feet (HS currently allowed for 60 feet). 2 – Finishing



materials: glass, stucco, stone, glass fiber reinforced concrete, composite metal panel, architectural formed concrete, and brick (HS allowed for brick, fluted block, colored textured block, glass, stucco, wood). 3 – Widening 1200 West to five lanes. He said the proposed concept plan had phases. Phase one was for a 140 foot office building with surface parking and some underground parking, and the second phase would be a mirror-image building in the same location with more underground parking. If the area was rezoned, the applicant would come back to the Planning Commission for site plan approval.

Mr. Seastrand asked if the elevations showed an accurate height reflection for the nearby power line. Mr. Bench said he believed it was.

Rondo Fehlberg, representing the applicant, said the proposed office building was intended to be a headquarters for Jive Communications. They planned to occupy six of the proposed nine floors. Mr. Fehlberg said Jive was a growing company that had outgrown their current office space. They hoped to have this building as a significant statement for their business and raise awareness for their company with a prominent location near the freeway.

Mr. Sumner asked for clarification about the height at 180 feet.

Mr. Fehlberg said they were asking for approval at 180 feet but were not intending to build the phase one building to that height. They wanted the flexibility with the height maximum as there had been discussions about having the phase two building be potentially taller to create a more interesting skyline. That flexibility could also lend itself to some interesting architecture.

Mr. Sumner asked about the height of the University Mall office building. Mr. Bench said the first building would be approximately seventy feet, with about five stories. He further clarified that the University Mall office buildings were approved for 180 feet.

Mr. Seastrand asked about parking and traffic impact.

Mr. Fehlberg said the first building would have a large parking lot covering the available space, with approximately 170 parking spaces underneath the first building. Jive encouraged employees to feel free to commute to work in various ways, including public transit or riding a bike to work. He said his understanding was that part of Orem's urban planning was to push concentrated road uses closer to traffic arterials and away from residential areas. He said with the expansion of 1200 West they expected traffic to flow normally, and anticipated it would keep as much traffic as was reasonable out of the neighborhoods.

Mr. Seastrand asked about the plan for widening 1200 West into the future.

Mr. Bench said the developers were widening the street for the full width of a five-lane corridor, but it would be striped for the existing three-lane alignment. In time when the road was widened the full striping would take place. He said 1200 West would be widened as development continued down the road, and the master plan anticipated the widening from 800 North to 1600 North.

Mr. Seastrand clarified that the developer was doing their portion of the widening of 1200 West with the proposed project. Mr. Bench added it was in coordination with the City in accordance to the master plan

Mr. Seastrand asked how many employees phase one would accommodate, and Mr. Fehlberg said between 550 to 600 employees in the first building, occupying about six of the proposed nine floors.

Mr. Seastrand asked about the process the developers had gone through and how the neighborhood discussions had gone.

Mr. Fehlberg said his group was involved in two projects along the corridor and had had a number of neighborhood meetings. He said generally speaking the input they received was positive. There had been some concerns about how this project would affect people's view, but he had also heard from people who were pleased that the area would see some revitalization and property values could go up. They had reached out to the neighborhood chairs in hopes to get feedback, but only a handful of neighbors had come.

Mr. Seastrand said a big concern he had heard from neighbors was the height of the building. He asked about the height differential from the telephone pole to the top of the building as shown in the concept drawing for the proposed building elevations.

Mr. Bench said it was approximately a thirty foot differential from the top of the telephone pole to the top of the proposed building.

Mrs. Black asked about the unique architecture that may have voids in the building. Mr. Fehlberg said they had looked at some design techniques that would have open spaces or voids within the building.

Mrs. Black said she had spoken to the neighbors about the height. She noticed the building plans were to have the building sit at an angle to lessen some of the view obstruction.

Mr. Sumner asked about the underground parking configuration. Mr. Fehlberg said the under-building parking would be the bottom floor; it would be open to the back and could be seen from the freeway.

Mr. Sumner asked about the City's responsibilities in the widening of 1200 West. Mr. Bench said the City was in negotiations as to the City's participation would be.

Ryan Clark, Orem Economic Development Division Manager, said they were still in negotiations and this road widening was a little different than other roads. Jive Communications qualified for incentives from the Governor's Office of Economic Development (GOED) to stay in the area, and part of that qualification required a local incentive. The City saw contributing to the road width expansion as a good incentive that would be mutually beneficial.

Mayor Brunst asked if it was part of the City's plan to widen that road eventually. Mr. Clark said he heard from Mr. Goodrich that the Transportation Master Plan included the widening of 1200 West.

Mr. Andersen asked if there was anything else the City was looking at as far as participation.

Mr. Clark said there may be some utility assistance with storm drain in the roadway. 1200 West had a storm drain pipeline that may not be adequate once the road was widened. There was a connection that could be made to the storm pipe that crossed I-15 near the site, and this could be an opportunity to team with a developer to install that pipe. The developer and the City would share the cost of the pipe.

Mayor Brunst opened the public hearing.

Dan Howlett, resident, said he was a retired public safety officer and had concerns about the additional traffic this would add to the area. He thought this was of particular concern for school children walking home. He was also concerned about adequate fire safety measures for a building of this height because fire truck ladders would not be able to reach. He said they knew there would be some commercial development in the area when they purchased their home, but thought zoning would prohibit too much commercial development. He and the neighbors he spoke with were concerned about the size of the project and were opposed to it.

Chris Spencer, resident, said he felt the noticing to the neighborhood about this project was inadequate, as he had only heard about the project a few days prior to this meeting. He understood development for buildings even up to sixty feet, but was concerned about a building with allowances for 180 feet. The south view had already been lost, at one point they were told rooflines would not extend above the current housing line, but they had gone above. He saw no advantage to the City with this project, for property value or otherwise. He echoed Mr. Howlett's concern about fire safety for a building that height, as well as concerns about the additional traffic that would come with the proposed development and the widening of 1200 West. He was concerned about the cost of roads and upkeep.

Isaac Northland, resident, wanted to echo some of the sentiments already shared, particularly in regards to neighborhood notice and view obstruction. He did not see how this would raise property values, and was concerned about the equity of his home going down. He was also concerned about the height, stating that the Joseph Smith Memorial Building in Salt Lake City was 182 feet. He thought 180 feet in this area was excessive. He said in winter months the roads in the area were very slick and potentially dangerous, especially with added traffic. He was not opposed to development but did not feel the project was in keeping with Orem's "Family City USA" moniker.

Al Spencer, resident, said his view of the mountains and the lake would disappear. He said the area developed by where the old City garages used to be were not supposed to be any higher than the existing rooflines of residential. Now the first thing he saw when he walked out of his home was a large apartment building with its accompanying noise and traffic. The area already had traffic concerns, especially around the larger intersections like 1200 West and 800 North. He said he had been waiting for 1200 West to be widened for ten years, but funding had not allowed. He was concerned that it would take ten or fifteen more years to finish the widening. Mr. Spencer was concerned that the area had not gotten the development they were promised, but had seen many changes to the zoning to allow for different developments.

Lance Helsten, resident, reiterated some of the concerns about view obstruction and neighborhood noticing, which he felt had not been handled properly. He said he had done the math for the top of the building, and said 180 feet was above the high tension lines. He was not against development in the area, but he was concerned about a building that height. He said he was not sure how this project would affect property values, but the increased traffic was a concern. He had seen lots of traffic on 1200 West from people getting off the freeway to avoid the accidents on I-15. He said these buildings would be the third and fourth tallest buildings in the county.

Gene Harris, resident, said he shared many of the same concerns about increased traffic and neighborhood noticing. He felt notice of the project should have been brought to neighborhood doors. He wondered the percentage of property tax the City collected from small businesses versus large business developments. He was concerned that the City had given up on small businesses. It was difficult to find a reasonably priced space to rent for a small startup business. He worried about “exacting money” from small businesses along 1200 West to help with the road widening, especially those that had already paid to move telephone poles. He was not sure the disadvantages of the project were thought through, and was opposed to the project.

Charles Schultheiss, resident, asked Mr. Fehlberg some questions about phases one and two of the proposed development. His first question was about available parking, and how that parking dynamic would change if/when phase two moved forward. Secondly he asked about the current profile of Jive’s workforce and what type of jobs they brought in, especially relating to traffic flow. Were they 9 to 5 type jobs, or around the clock? Lastly he asked if Jive was a direct competitor with Adobe, or with Convergys.

Mr. Fehlberg said there were about 1,200 parking spaces that would be available during phase one, which would accommodate the 550-600 expected employees. Phase two would go to structural parking, but that would not go to phase two unless they could attract a tenant that could assist in providing that structural parking. He said they would have flex hours for their employees, so it would not all be 9 to 5 type hours. He was not sure of the breakdown for jobs in support, customer service, IT, etc. and could not speak to who Jive’s direct competitors were, but knew Jive had been an attractive employer for “Gen-X” applicants.

Natalie Nordland, resident, said she was not as concerned about the view but her main concern was the safety of her child and children in the neighborhood. She did not have a problem with Jive specifically, but also did not think a building that height belonged that close to a young residential neighborhood. She has loved the neighborhood, but this project had caused some concern about whether she or her neighbors would stay. She thought the area should be developed but she was concerned about the additional traffic it would bring to an already congested and speedy area. She also wondered how they could widen 1200 North without getting rid of houses along the road.

Debby Fletcher, resident, said the road construction on 1200 North had caused some issues with stress fractures in her ceiling from the pounding to compact the sand. She was worried about more construction and its aftermath. She was concerned about the fire and police being able to respond in the neighborhood, because there were already so many cars there. Traffic was a big concern, as it was already difficult for her to back out of her driveway, and would be worse in

the winter months with additional traffic. She thought the area needed to be developed, but thought it should stay within the guidelines.

Stefanie Price, resident, said the Planning Commission had worried about shade and glare issues off the building for freeway drivers. There would be the same issues in the neighborhood in the shadow of the building. She felt traffic in the area was already bad, and this project would make it worse. She thought it would be good to have some nice businesses in the area, but felt this was too much.

Brian Kelly, resident and Timpview neighborhood chair, said he was never notified about the project except for one email about the meeting agenda. He and his children worked very hard to let the neighbors know about this item. He wanted to commend the City for recognizing his friend Gladeeh Begaye a few months back. He said the bedrock of this city was the stable residents like Ms. Begaye and his neighbors who volunteered their time to serve their community. He loved Orem, and had his business in Orem. He believed the height of the building was the primary issue for most neighbors, and urged them to look at that issue<sup>1019</sup>.

Doug Moore, resident, shared the same concerns as his neighbors and wanted to add his voice. He felt a project like this would kill the neighborhood, and he was appreciative of those who cared about their community and voiced their concerns. His house backed to 1200 North and he could not imagine the increase of exhaust in his backyard from the additional traffic. He too was concerned about school children walking along these already busy roads. He thought big buildings like this needed to be with other big buildings in big building areas, not in neighborhoods. He did not think this would increase property values, but would affect many homes.

Dan Gonzalez, resident, wanted to echo the same concerns and add his voice. He said they were not notified until the neighbors alerted him. He felt many more neighbors would be there if they had more notice. He felt the project was right on the edge of the neighborhood, and he thought it would be better to move the project across the freeway where it would affect fewer homes.

Dave Jeddo, resident, said there had been nothing said about the infrastructure problems this would cause. Orem was building all over town, especially apartments. He felt 1200 West smelled bad, because everything settled at 1200 West. There had been talk about widening the road, but he had heard nothing about what would be done to improve the smell throughout the town. He had not seen any new sewer pipes in many years, and thought this was a serious issue. A big building along 1200 West would add to those issues.

Terry Morgan, resident, said she was up the street but was concerned for her neighbors that would be affected. She read the whole proposal which said neighbors within 500 feet were notified, but she did not think neighbors were notified properly. She had spoken to three city council members the night before the meeting and was promised that the neighborhood comments that were made would be taken into consideration, and she hoped that was true. She concurred with every comment that had been made.

Mayor Brunst closed the public hearing.

Mayor Brunst asked Mr. Bench if notice was sent within 500 feet of the proposed project area. Mr. Bench said a mailing notice was sent to properties within that 500 foot radius.

Mayor Brunst said if homes were damaged during construction he was sure the developers would address that. Jive was a company that started and had grown in Orem, not a large outside company. He said a few years ago over 2,000 jobs left the area, and keeping jobs in Orem was a concern. He felt property owners had the right to develop their properties, and any height of building would affect the view in some way. He agreed that traffic was tough in that area, but thought they were working to resolve some of those issues with widening roads, new striping, etc. He said there had been discussions about the City potentially buying a new fire engine to accommodate taller buildings. There were also fire control standards and fire codes in place that would address fire safety issues. They had kept this area zoned for commercial, and he thought the project would buffer some of the freeway noise. He felt the development would help the area and would benefit the ever-evolving community in preserving jobs.

Mr. Macdonald asked about traffic studies that may have been done in the project area. Mr. Goodrich said Hales Engineering did a detailed traffic analysis on 1200 West from 1600 North to 800 South and included intersections and different access points. He said the current Transportation Master Plan had 1200 West designated as a minor arterial, which for years had been identified as a road that might need to go as wide as five lanes. Horrocks Engineering, the consulting firm working with the City for the Transportation Master Plan, had confirmed the City would need to widen the road in the future.

Mr. Sumner asked if there was a timeline for the road widening. Mr. Goodrich said they did not have a specified timeline yet. They had some federal funds for improvements to 1600 North in about two years, which would widen the intersection at 1600 North and 1200 West and do a study for how to widen 1600 North from three lanes to five. He hoped 1200 West would be high on the priority list for federal funding in the future. Part of the idea behind the Transportation Master Plan update was to help convince those who made funding determinations of the need for these road expansions.

Mr. Macdonald thanked the neighbors for their efforts and for coming to add their voices. He thought there should be development in the area, whether it was this particular project or another. He was concerned about the notification issues and wondered if it would make sense to continue the item to allow the neighbors to meet with the applicants and discuss some of their concerns. He was not certain there was a resolution where all parties were happy, but thought it might be worth exploring.

Mr. Fehlberg said Jive believed they would grow in a relatively short time and hoped to provide jobs for the children of this community. He said he too was concerned about the noticing and wished there had been more dialogue before this point. He said Jive felt there had already been some compromise with the project, and he was not sure what more could be done.

Mr. Seastrand thanked the neighbors for coming to the meeting, and he felt it was important to sort through all the issues. He asked Mr. Fehlberg how they intended to address issues of stability and liquefaction.

Mr. Fehlberg said the codes had required extensive geotechnical surveys done prior to development. Deep borings were taken to determine the stability of the soil and what kind of structural engineering needed to be considered for the building. He said there were some dumpings found in the borings, but they believed it would be stable enough to build without the big driving piles and the structure would be adequate to support the building.

Mr. Seastrand asked Mr. Kelly if he had a suggestion about the height aspect. Mr. Kelly said he felt it would be worth meeting with the applicants about the development, as that had been successful for other projects. He said Midtown 360 was ninety-six feet, which was high. They felt sixty feet was high, but a better compromise.

Mr. Seastrand had wanted to see if neighbors would be flexible about the development. He agreed with Mr. Macdonald that there would be development in that area in the future, even if it was not this project. He asked if the building would be level with 1200 South or if it would drop down. Mr. Fehlberg said it would drop down and have parking, and the building would go up over that.

Mayor Brunst asked if developers would be able to complete the project with a lower height that what was proposed. Mr. Fehlberg said he was not certain if the project could be completed or if the company would stay in the area. Jive had looked at several sites along the I-15 corridor but hoped to stay in Orem where they began and provide jobs for residents. It would change everything about the project to change the height, and he felt the difference between 140 feet and 180 feet was minimal in terms of blocking the view. He said that making decisions about these complex neighborhood issues could not be easy.

Mrs. Black asked if the building was limited to 140 feet if the project could still move forward. Mr. Fehlberg said there was a specific way buildings were measured. He thought they would need to go back to the drawing board if the building was limited in height. Jive was hoping to make an impressive statement for their company and for the City with a prominent building along the I-15 corridor with a beautiful building, not just a monolithic block.

Mayor Brunst said there were areas of the city that needed to be redeveloped, and he felt this area would benefit from a development like this project.

Mr. Spencer asked about the attendance for the neighborhood meetings. He said a compromise of limiting to 140 feet would still be tall, and would include the electrical equipment on top of the building.

Mr. Andersen said in light of the neighborhood noticing issue he thought it was best to continue the item and come up with a compromise. He did not think moving forward at this point was a good idea.

Mr. Seastrand thought there were some questions with no answers. He thought valuable discussions could be had between neighbors and the developers and applicants about the height issue.

Mr. Fehlberg said he knew how long this project had been in the works. He thought it interesting that there had been comments about building this project in Lehi where the big buildings

belonged, when that had not been the case years ago. He thought the company would likely go where they found a friendly environment. He felt if Jive was going to be “beaten up” over and over again they would likely move on, but he would be happy to meet with neighbors for productive and open discussions about their concerns.

Mr. Sumner asked for clarification on the state incentives. He said there was only so much money that could be allocated for road improvements. Mr. Clark said Jive qualified for GOED incentives if there was some incentive from the City. The costs of the road widening would be negotiated between the parties.

Mrs. Black said she wanted to find a way to make this a workable project. She thought there would be a more successful outcome in discussing the project rather than drawing a line in the sand. She felt economic development was important for improving the city and balancing Orem as a place to live, play, and work.

Mayor Brunst **moved** to postpone the item for two weeks until the City Council meeting on September 8, 2015. Mr. Andersen **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed** unanimously.

6:00 P.M. PUBLIC HEARING – PD-41 Amendment – Fence Height 1042 West Center Street

ORDINANCE – Amending Section 22-11-54(F)(10) pertaining to fence heights in the PD-41 zone located generally at 1042 West Center Street

Mr. Bench reviewed the applicant’s request that the City amend Section 22-11-54(F)(10) pertaining to fence heights in the PD-41 zone located generally at 1042 West Center Street.

The applicant requested that the PD-41 zone be amended to allow an eight foot fence around the perimeter of the zone. The applicant’s site plan, which was approved in February, 2015, showed a seven (7) foot fence between the project and adjacent residential property and the PD-41 zone allows a maximum fence height of seven feet.

The applicant would like to use a pre-manufactured fence made by SimTek. However, upon reviewing the fencing material provided by SimTek, the applicant discovered that their pre-manufactured fence was only sold in six (6) and eight (8) foot heights. The applicant considered purchasing the eight foot fence panels and then burying these panels to a depth of one foot, but burying any portion of the fence would void the warranty on the fencing material.

The applicant was proposing to modify the PD-41 zone to allow a perimeter fence height of eight feet as a more practical solution.

The applicant had contacted the neighbors that would be affected by the change and no objections were received.

The Planning Commission recommended the City Council amend Section 22-11-54(F)(10) pertaining to fence heights in the PD-41 zone located generally at 1042 West Center Street. City staff supported the Planning Commission recommendation.



Mayor Brunst opened the public hearing. There were no public comments so Mayor Brunst closed the public hearing.

Mr. Seastrand asked if the eight-foot fence caused a greater wind issue.

Mr. Bench said he was not aware of any wind issues caused by the slight additional height.

Mr. Macdonald **moved**, by ordinance, to amend Section 22-11-54(F)(10) pertaining to fence heights in the PD-41 zone located generally at 1042 West Center Street. Mayor Brunst **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed** unanimously.

6:00 P.M. PUBLIC HEARING – Amend SLU Codes – Churches in PO zone

ORDINANCE – Amending Appendix “A” of the Orem City code by changing Standard Land Use code 6911 – Churches, Synagogues & Temples from “not permitted” to “permitted” in the Professional Office (PO) zone

Mr. Bench reviewed the applicant’s request that the City amend Appendix “A” of the Orem City code by changing Standard Land Use code 6911 – Churches, Synagogues & Temples from “not permitted” to “permitted” in the Professional Office (PO) zone.

The City was recently approached by a church that wanted to move to a location at approximately 1145 East 800 North. This location was in the PO zone which did not currently allow churches as a permitted use. After consideration of the request, staff felt that allowing churches in the PO zone would be reasonable as there were already other churches on 800 North and churches appeared to be compatible with existing and allowed uses in the PO zone. The PO zone consisted of approximately twenty (20) acres located along 800 North east of 400 East. Churches (SLU 6911) were currently allowed in the R6, R6.5, R7.5, R8, R12, C2 and HS zones.

The Planning Commission recommended the City Council amend Appendix “A” of the Orem City code changing Standard Land Use code 6911 – Churches, Synagogues & Temples from “not permitted” to “permitted” in the PO zone. City staff supported the Planning Commission recommendation.

Mayor Brunst asked if churches or synagogues were required to be built to the same standards as other buildings in the PO zone.

Mr. Bench said they would need to meet the same building standards as far as height, building materials, etc.

Mayor Brunst opened the public hearing. There were no public comments so Mayor Brunst closed the public hearing.

Mr. Spencer asked if there was a specific definition for “church” to be allowed in the PO zone.

Mr. Bench said they needed a specific affiliation with a religious group.

Mayor Brunst **moved**, by ordinance, to amend Appendix “A” of the Orem City code by changing Standard Land Use code 6911 – Churches, Synagogues & Temples from “not permitted” to “permitted” in the Professional Office (PO) zone. Mr. Macdonald **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed** unanimously.

6:00 P.M. PUBLIC HEARING – Amend SLU Codes – Family and Behavioral Counseling  
ORDINANCE – Amending Appendix A of the Orem City Code as it pertains to permitted  
uses in the CM zone

Mr. Bench reviewed Lisa Breitenstein’s request that the City Council, by ordinance, amend Appendix A of the Orem City Code to permit SLU 6597, Family and Behavioral Counseling, as a permitted use in the CM zone.

Orem City Code Section 22-9-4 stated “The CM zone is established to provide areas where planned manufacturing parks may be developed. The zone is designed to provide for such uses on well-landscaped sites such that they can be located in proximity to residential uses.” Uses beyond manufacturing were permitted in the CM zone. The closest permitted use to that of the applicant was SLU 6513, Medical Clinics – Outpatient. The nature of counseling and outpatient services may be viewed as similar. For this reason, the applicant requested the Code be amended to allow counseling services as a permitted use in the CM zone.

The CM zone was located in two areas in the City – 221 acres in the southwest area west of Geneva Road (Orem Center Business Park) and 68 acres at the mouth of Provo Canyon.

The Planning Commission recommended the City Council, by ordinance, amend Appendix A to permit SLU 6597, Family and Behavioral Counseling, as a permitted use in the CM zone. Staff supported the recommendation of the Planning Commission.

Mayor Brunst opened the public hearing. There were no public comments so Mayor Brunst closed the public hearing.

Mrs. Black **moved**, by ordinance, to amend Appendix A of the Orem City Code as it pertains to permitted uses in the CM zone. Mr. Seastrand **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed** unanimously.

6:00 P.M. PUBLIC HEARING – PD-19 Amendment – 1766 S 750 E from R5 to R7.5  
ORDINANCE – Amending Section 22-11-31, PD-19 zone, Appendix “M” and Section 22-  
5-3(A) and the zoning map of the Orem City Code by changing the zone on 0.57 acres  
located at 1766 South 750 East from the R5 zone and the R7.5 zone to the PD-19 zone

Mayor Brunst indicated for the record that Mr. Sumner recused himself from the discussion and vote.

Mr. Bench presented Kim O’Neill’s request that the City amend Section 22-11-31, PD-19 zone, Appendix “M” and Section 22-5-3(A) and the zoning map of the Orem City Code by changing

the zone on 0.57 acres located at 1766 South 750 East from the R5 zone and the R7.5 zone to the PD-19 zone.

The applicant owned two lots at approximately 1766 South 750 East. One of the lots was vacant and the other had an existing home. The lot with the home was zoned R7.5 and the vacant parcel is zoned R5.

The applicant would like to rezone his two lots to the PD-19 zone. The PD-19 zone, also known as South Rim, was located just across the street from the applicant's property. The PD-19 zone allowed for townhouses at an overall density not to exceed nine units per acre. The PD-19 zone currently had 24 townhouse units on approximately three acres.

If the applicant's request was approved, the applicant proposed to construct six townhouse units on the combined two lots as shown in the amended concept plan. The units would have a height of 28 feet and exterior finish materials consisting of stone, hardiplank siding, and stucco. The applicant's concept plan showed 15 parking stalls which met the requirement of 2.5 stalls per unit.

To enable the applicant to construct the type of development he desired, the applicant also requested that the City Council make certain amendments to the PD-19 zone. The PD-19 zone currently incorporated all of the standards of the PRD zone except for density and the only difference between the two zones was that the PD-19 zone allowed a density of nine units per acre versus the seven units per acre allowed in the PRD zone.

The applicant was requesting that the PD-19 zone be amended to eliminate any restriction as to second story square footage or basements because the PRD zone limited the second story of a unit to 60% of the main floor square footage. The applicant also proposed to allow a building height of 30 feet in the PD-19 zone versus the 27 foot height limit in the PRD zone. The applicant also proposed to modify the PD-19 zone to require setbacks to conform to those shown in the concept plan rather than the specified distances required in the PRD ordinance.

The existing density of the South Rim development was 8.05 units per acre and with the addition of the six proposed units of the applicant, the overall density would increase to 8.47 units per acre. The density of just the applicant's proposed development would be 10.5 units per acre.

If the applicant's request was approved, the 750 East cul-de-sac would be widened with the proposed project. The current City standard was a cul-de-sac with a minimum diameter of 96 feet to meet fire code requirements. The current dimension of the 750 East cul-de-sac was 65 feet. Should property be redeveloped in the cul-de-sac, the diameter will be increased on each respective property. The transportation engineer did not require a transportation study because of the unit count and the lack of any other potential access point to the property.

With regard to traffic, the national average of trip generation for townhome developments was 5.86 trips per day. Single family detached dwellings averaged 9.57 trips per day. If the property were developed as two single family homes, 19 trips per day would be the expected traffic impact. Six townhome units would be expected to generate approximately 35 trips per day. Spread out over the course of a day with most trips between 7:00 AM and 10:00 PM, an additional 16 trips per day was insignificant.

The subject property was adjacent to existing multi-family, single-family, and commercial uses. Five four-plexes were located to the immediate north while three single-family units remained in the cul-de-sac. A commercial vehicle salvage yard was adjacent to the west and an office parking lot was located along a portion of the south property line. The distance from the nearest proposed unit to the front door of the nearest detached single family home was approximately 120 feet.

A neighborhood meeting was held on February 5, 2015, with ten residents in attendance. Concerns from those in attendance included an increase in overall traffic and parking to the area. A concern of student housing was also mentioned.

The Planning Commission recommended the City Council, by ordinance, amend Section 22-11-31, PD-19 zone, Appendix “M” and Section 22-5-3(A) and the zoning map of the Orem City Code by changing the zone on 0.57 acres at 1766 South 750 East from the R5 zone and the R7.5 zone to the PD-19 zone. The Planning staff supported the recommendation of the Planning Commission.

Mr. Seastrand asked if under the current zoning they could feasibly put up to nine units per acre with the required setbacks. He asked for clarification about what was allowed under existing zoning.

Mr. Bench said the overall zone itself had nine units per acre, but this particular portion of approximately 0.57 acres would have up to six units to meet parking requirements. The R5 zone allowed for two family homes with no accessory apartments allowed. The R7.5 zone could have two homes with the option for accessory apartments.

Mr. O’Neill said the proposed changes would allow for the beautification of the area, as well as enlarging the cul-de-sac to allow better fire truck access to the area.

Mayor Brunst opened the public hearing.

Ms. Porter, resident, said she worried that traffic would increase and it would be more difficult to back out of her drive way than it already was. She was also concerned about the addition of so many new and expensive apartments in Orem. Her experience in having managed apartments in the area made her feel that many people would not be able to afford to live in these expensive units since some could barely make rent in lower-cost apartments.

Mayor Brunst closed the public hearing.

Mr. O’Neill clarified that the project was for townhomes, not apartments, and they would be for sale.

Mayor Brunst **moved**, by ordinance, to amend Section 22-11-31, PD-19 zone, Appendix “M” and Section 22-5-3(A) and the zoning map of the Orem City Code by changing the zone on 0.57 acres located at 1766 South 750 East from the R5 zone and the R7.5 zone to the PD-19 zone. Mr. Spencer **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer. The motion **passed** unanimously, 6-0.

6:00 P.M. PUBLIC HEARING – PD-21 Amendment – 1200 South Geneva Road  
ORDINANCE – Amending Section 22-11-33 and Appendix “O” pertaining to development  
standards in the PD-21 zone located at 1200 South Geneva Road

Mr. Bench presented Keith Hansen’s request that the City amend Section 22-11-33 and Appendix “O” of the Orem City Code pertaining to development standards in the PD-21 zone located at 1200 South Geneva Road.

The PD-21 zone was enacted in 2000 to create a mixed-use student-oriented development. The original concept plan of 6,000 students and 1,789 apartments with multiple supporting commercial business has evolved into a less dense development consisting of apartments and limited commercial development.

Instead of one owner as first envisioned, the PD-21 zone now encompasses seven property owners. The current PD-21 zone was also split into two areas known as Area 1 and Area 2. The applicant requested that Area 2 be further divided to create Area 3. Area 1 was the existing Wolverine Crossing with 266 apartments and Area 2 was the former Burton property, now Parkway Lofts, LLC, with 332 apartment units which received site plan approval in March 2015 with construction now underway.

The proposed Area 3 was the subject of this request and the owner of this property was proposing to amend the PD-21 zone and associated concept plan to allow a development known as University Downs which will consist of 316 residential units, a large parking garage and a hotel.

The applicant’s proposed development would be primarily oriented toward attracting both single and married students.

The primary changes requested to the PD-21 zone were as follows:

1. The applicant proposed a maximum building height of 120 feet in Area 3 which was reduced from the original request of 150 feet. Area 1 and Area 2 had maximum building heights of 86 feet or seven (7) stories, whichever was less, depending on the location. The Planning Commission recommended the maximum height of each building be limited to the height shown on the concept plan.
2. The proposed amendment would reduce the required setback from outside property lines for any building over 20 feet high from 20 feet to 15 feet. This was to accommodate the proposed location of the parking structure/married units building.

The first two amendments described above would allow a parking structure with a height of 91 feet to be located 15 feet away from the north property line of Area 3 as shown on the revised concept plan. This structure would also house units on the top level wrapped around to the north side. The nearest Parkway Lofts building was approximately 75 feet from the property line of University Downs and 90 feet from the proposed parking structure. The existing Code permitted a 72-foot high parking structure to be constructed 20 feet from the property line. The proposed parking structure would have a significant visual impact on the Parkway Lofts development to

the north. However, development near train stations was typically high density which was implemented by tall buildings. A cross section had been included showing the potential location of the parking structure in relation to the current Parkway Lofts building.

3. The applicant proposed a parking standard of 0.65 parking stalls per occupancy unit which was the same standard applicable in Area 1 and slightly greater than the 0.62 per occupancy unit standard that applied in Area 2.

4. The applicant requested that zinc metal panels be added to the list of approved architectural materials with the limitation that such panels would not exceed 15% of each respective elevation.

5. Two monument signs were proposed to be allowed in Area 3 along 1250 West.

A water model study was performed for the proposed project and determined that water service would be adequate for the proposed development in Area 3 with the possibility that some water lines may need to be upsized which would be determined with the final engineering for the project.

The developer also provided a traffic analysis of the proposed project to determine if this site could handle the increased traffic that would be expected from the proposed amendment. The traffic study determined that the development will not cause unreasonable congestion or unsafe conditions on the local roadway network and will not adversely impact the public investment in roadway infrastructure in the adjacent area. The City Engineer reviewed and concurred with the findings of the study.

The Planning Commission recommended the City Council, by ordinance, amend Section 22-11-33 and Appendix "O" of the Orem City Code pertaining to development standards in the PD-21 zone located at 1200 South Geneva Road with a recommendation that the maximum height of each building be limited to the height shown on the concept plan. The Planning Staff supported the recommendation of the Planning Commission.

Mayor Brunst asked how many stories the 120 foot proposed building was, and Mr. Bench said it was the proposed hotel with twelve stories.

Mr. Bench said the applicant was asking for the setbacks to be set at fifteen feet instead of twenty. They had received a letter from the property owner to the north of Building 2 which expressed the owner's concern about the change in setbacks, which Mr. Bench distributed to the Council. Mr. Bench said the applicant was also asking for the possibility of having some units in proposed Building 3 that would house up to eight occupants.

Mayor Brunst asked about the change of the setback from twenty feet to fifteen. He asked if it would be possible to move their project forward keeping a twenty-foot setback.

Keith Hansen, with AE Urbia Architects and Engineers, said the design was to allow for a courtyard with amenities on the outside so the units would look out onto a garden-type space. The extra five feet of landscaping would add to the aesthetics of the design. Mr. Hansen said keeping a twenty-foot setback would also affect the underground parking, but he thought they

could revisit their designs if they had to. He felt the change to fifteen-foot setbacks was not unreasonable.

Mayor Brunst asked if they would build student housing first, and which hotel they anticipated having as part of the project area. He also asked about the amenities package for the project.

Mr. Hansen said the first phase of construction would start with Building 3 for housing with Building 2 for parking built simultaneously. He said the final phase would be for the hotel, and they did not know at this point which hotel brand/chain would be built there. He invited Patrick Nelson with Nelson Brothers Construction to describe the amenities package.

Mr. Nelson said Nelson Brothers managed twenty-two student housing properties across fifteen different schools, with two in Orem. He said the extra five feet on the setbacks was also to encourage students to spend time in the interior courtyard instead of loitering on the surrounding property. He said the Building 4 amenities package was to make college living at University Downs the most attractive option. They anticipated having study areas with superfast Wi-Fi available, bowling alley, full-court collegiate gym, volleyball court, two pools, washer and dryer in every unit, etc. Outside they would put in a sand volleyball pit and a mini soccer field, and they hoped to use that area as an ice rink in the winter months. They wanted this property to put UVU on the map.

Mr. Seastrand asked how many apartments they anticipated to have in Building 3. He was concerned about the request to have eight students per apartment and asked if that was all units in the building, or a specified number of units.

Mr. Nelson said they planned for about 700 apartments in Building 3, but only twelve of those units would house eight occupants. Those twelve units were designed like townhouses, with two stories. Mr. Hansen added that the total units were 316 with 1,040 beds available in those units. There was a mix of units with two bedrooms, three bedrooms, some private rooms and some shared.

Mr. Seastrand said he would prefer to limit the number of eight-person units to the identified twelve units. He asked for clarification on the proposed parking with the student housing and the hotel. Parking was one of the biggest complaints he heard with housing units.

Mr. Bench said they planned for 1,051 stalls, which was beyond one stall per bed. Mr. Hansen added that the parking configuration accommodated for the hotel.

Mr. Earl said student housing was not based on per unit, but on per occupancy unit basis. The standard for hotel parking was one stall per room/unit, so they had planned for adequate parking.

Mr. Nelson said they had designed the property to be flexible in accommodating for single and married student housing. Some of the parking design was to accommodate for young families.

Mr. Macdonald asked for some clarification on the building's configuration of units, and which building would have the gym and other amenities.

Mr. Nelson said there would be a mix of room numbers and beds in those rooms. They would be flexible on how the rooms were filled. He said the taller “tower” of Building 3 was anticipated to be specific for freshmen housing, but they would be flexible on that. He said there would be walkways over the overpass to allow students quicker and safer access to campus. He said the amenities would be in Building 4.

Mr. Macdonald asked if it was common to have a hotel so near this kind of student housing project. Mr. Nelson said often there were hotels nearby, but it would be a unique opportunity to have a hotel so close for visitors to the university. He added that while they did not yet know which hotel would be built, Hilton was excited about the possibility.

Mr. Seastrand asked Mr. Bench about the total people count they were anticipating when the initial PD-21 zone was created.

Mr. Bench said initially up to 6,000 students. He said once Area 3 was developed they would have reached about half of that projection, with approximately 3,000 students.

Mayor Brunst opened the public hearing.

Ben Lowe, with Compass Developing Group, said he was not in opposition to the project and thought this would be a great addition. Their concern was principally with the parking garage, which was being increased by 26 percent beyond what the current zoning allowed, that would back up against their property. They understood the need for the parking with the proposed density, but worried about height increase for the parking garage only seventy-five feet from their property.

Mayor Brunst asked if the parking garage was wrapped all the way around. Mr. Hansen said it would be wrapped around the back with attractive materials.

Mr. Lowe said regardless of the materials used to wrap the structure, it would still be a parking garage. He hoped for further conversation with the owners and developers about this issue.

Mayor Brunst closed the public hearing.

Mrs. Black said she thought they had made an effort to avoid the structure looking like a run-of-the-mill or unattractive parking garage. She said the concept plans were encouraging, though the real building could look different.

Mr. Sumner asked who the target audience was for this development.

Mr. Nelson said UVU students specifically. Around 6,000 freshmen started at UVU each year, many of whom lived nearby in their parent’s home. Studies showed that if a student started as a freshman living on campus, their retention rate was higher, their grades tended to be higher and they were more likely to graduate and complete their educational degree. When students lived away from their parents they learned valuable life skills and forged closer bonds with their peers, which was the “college experience” many parents wanted for their children.



Kordel Braley, with RSG Consultants, said a traffic study was done to look at congestion and queuing. He summarized the findings, saying they had determined the traffic flow was acceptable with appropriate accesses.

Mayor Brunst asked about the ingress and egress onto University Parkway.

Mr. Goodrich said the University Parkway access would be the closest, but there were also split accesses onto Geneva Road and onto 1000 South. In the other direction there was access to 1000 South, which connected to the intermodal center. There could potentially be a pedestrian overpass over I-15 connecting from the south end of the train station to campus. He thought this was a good location for high density student housing.

Mr. Braley added that student housing did not typically generate the same traffic as family or young professionals-type housing.

Mr. Seastrand asked where a pedestrian overpass or sky bridge might be built. Mr. Goodrich was not certain, but indicated it would be positioned to benefit those using public transit as well. UVU and the City would look to potentially get federal funding for this kind of overpass.

Mayor Brunst **moved**, by ordinance, to amend Section 22-11-33 and Appendix “O” of the Orem City Code pertaining to development standards in the PD-21 zone located at 1200 South Geneva Road, with building heights tied to the concept plan and limiting the number of eight-occupant units to twelve units. Mrs. Black **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed** unanimously.

*\*\*Mayor Brunst called for a break at 9:31 p.m.*

*\*\*The meeting resumed at 9:46 p.m.*

6:00 P.M. PUBLIC HEARING – Southwest (SW) Annexation  
ORDINANCE – Adoption of the Lakeview Addition to Orem City Annexation Petition

Mr. Bench reviewed Ryan McDougal’s request that the City approve the Lakeview Addition to Orem City Annexation Petition to annex 227.59 acres into the City of Orem.

On June 6, 2014, Ryan McDougal filed an application to annex 227.59 acres into Orem. The petition met the minimum requirements outlined in the Utah State Code which required that the owners of at least 51% of the private land area and the owners of at least 33% of the total land value of all private property in the annexation area must be in favor of annexation. The owners of 77% of the land area and the owners of 48% of the land value of all of the property in the annexation area had signed the annexation petition. The area proposed for annexation was outlined in the Lakeview Addition to Orem City Petition Signors map.

The area included in the Lakeview annexation petition was included in the City’s current annexation policy plan which was a part of the City’s General Plan. The City’s annexation policy plan included the area north of 2000 South and west of I-15 to Utah Lake as area that the City

anticipated annexing into the City at some point in the future. The proposed Lakeview annexation was in harmony with the City's annexation policy plan.

The Council accepted the petition for consideration on June 17, 2014. The petition was Certified by the City Recorder, City Attorney, County Clerk and Surveyor on July 11, 2014. This began the 30 day protest period for public protest against the annexation which closed on August 11, 2014. The City of Provo filed a protest to the annexation which was based on their concern about control of 2000 South (Orem)/2000 North (Provo).

An agreement was signed by both Orem and Provo in July 2015 that resolved Provo's concerns. Under the agreement Orem will have control of 2000 South east of the railroad tracks and Provo will have control of 2000 South (Provo's 2000 North) west of the tracks to the future intersection with the future Lakeview Parkway. The agreement allowed Orem to create new accesses to 2000 South as development occurred on the Orem side of the street. The agreement also outlined a street cross section showing a three lane right-of-way configuration.

Since Provo's protest had now been resolved, the City Council may either approve or deny the proposed annexation. If the annexation was accepted, the City will work with the Utah County Surveyor's Office to verify the annexation records and record the annexation with the Lieutenant Governor's office.

If the City Council approved the annexation, the City Council will need to approve a General Plan land use designation for the annexation area and will also need to apply a zoning designation for the property in the annexation area. The City Council may also want to consider adopting impact fees that will apply to all new development in the annexation area. Subsequent agenda items will address all of these issues.

Development Services staff recommended the City Council consider the annexation petition for the Lakeview Addition to Orem City. Although the Planning Commission did not make a recommendation for the annexation, they did express the opinion that the area, if accepted, should be developed with the low density model or agricultural uses similar to what currently existed in the area.

Mr. Bench reviewed the sequence of the annexation items on the agenda and how they led one to another. He showed a map of the petitioners and said they were well above the requirements for annexation with 77 percent of property acreage and 48 percent of property value included in the petition. He clarified the areas of conservation and agriculture easements that would not be included in the annexation.

Mr. Andersen asked the size of the area, and how they had determined which areas to annex. Mr. Bench said it was 400+ acres, and clarified that the staff did not determine the annexation area but the petitioners had determined the area. He said for an agricultural easement area to be annexed they would need 100 percent approval, which they did not have, so that area was not included. The conservation easement within the petition area could be annexed but would not be developed. The petition outlined an area of approximately 227 acres for annexation, and the petition met all requirements to bring the item before the City Council.

Mayor Brunst asked what the conservation easements were for. Mr. Bench said he believed it was an active farm.

Mr. Seastrand asked if the owners in an agricultural easement area could eventually be annexed into Orem. Mr. Bench said they could, if they went through a petition process and had 100 percent of land owners' approval for annexation.

Mr. Macdonald said he had received many emails about this item. He asked for clarification on where development could take place versus areas that were kept as farms. He asked if the City would force them to develop.

Mr. Bench said they could continue to farm, and if they wished to sell their land to developers they were welcome to do that also. He said conservation easements had no development rights so they would continue as farm land. The agricultural easement area was approximately 100 acres and the conservation easement areas were approximately forty acres.

Mr. Seastrand asked about the tax rate differences between county and city, and if there would be a change in valuation as the area became part of the city. Mr. Bench said the current taxable rate in the county was 0.0122840 in 2014, and after annexation the rate would be 0.0114190. In some instances, the county tax was higher than the city tax, but most would be lower. He said the valuation of the property would not go up simply because land was annexed into the city; it would go up if the property was developed and improved.

Mayor Brunst said City's Master Plan had always been to annex this area, and Provo had not moved toward annexation at all. Mr. Bench said if Provo annexed land in this area they would face the difficult task of servicing the area with utilities like sewer that they did not have the capacity for, and therefore had not shown serious interest in annexation.

Mr. Andersen asked how many existing homes were in the annexation area, and how many would be forced to connect with city utility services and its cost. Mr. Bench said the only requirement was if the sewer line went within 300 feet of their homes.

Mr. Stocksdale said there were about a dozen homes in the area, and they would review on an individual basis whether the homes were within 300 feet of the sewer line and were required to connect.

Mr. Seastrand clarified that this discussion was only on the annexation issues itself, not on density, projects, fees, or otherwise.

Mayor Brunst opened the public hearing.

Byron Taylor, resident, said he had heard repeatedly that his family had sold off their development rights and he wanted to clarify that they had donated those rights. He felt ad hoc development driven by developers without long-term interests in the community generally did not make for nice areas where people wanted to live. He heard over and over that farming would still be an option, but he felt farms surrounded by high density development would have increased costs, liabilities, and risks. He was concerned about moving his farming equipment

across Geneva Road with increased traffic. He said they were told they could negotiate a protection overlay, but felt they had no leverage for negotiation and staff had made that clear. Without an agricultural protection overlay, they would be subject to all kinds of harassment and even nuisance lawsuits.

Dustin Palmer, resident, had questions about the increased cost to the City to annex the area. He knew there were associated costs for services and such, and hoped for some clarification.

Mayor Brunst said as the area developed, those residing in area would pay the taxes for more services. The City was requiring the developer to front the costs for installing the infrastructure and impact fees would pay the developer back.

Richard Wilkerson, resident, said he was opposed to the annexation petition because it was based on the requirement of high density developments in the area. He said without the high densities the developers could not pay for their projects or the infrastructure, so the issues of annexation and the proposed developments were intertwined.

Kyle Bateman, resident, said his view was that under the status quo agricultural operations could continue but those who wanted to develop their land could not. Under the annexation, the agricultural operations could continue and those who wanted to develop would have the option. He said his parcel was not suited to agricultural operations. He felt it was important that the area become part of Orem at some point, and in this scenario they could do so without cost to city for infrastructure installation. He felt it was the right time, it was the right plan, and would offer the greatest amount of freedom for the individual land owners.

Barry Brown, resident, said an advantage listed for the annexation was that there were no existing homes near the proposed development projects, but his home was located within forty feet of those projects. He also wanted to correct an address in the Planning Commission minutes. He had sent emails to the Mayor and Council and asked that they read it. He objected to the high density housing, the traffic problems, and other issues that would be caused by of annexation. The east boundary of his property would be the west boundary of the townhome project, and they would be highly affected. He thought traffic would be a disaster causing bottleneck issues to the southern entrance of the city.

LaDawn Robbins Christensen, resident of Provo, said she owned land in the proposed annexation area, and she worked with the Provo City Sustainability and Natural Resources Committee. Provo had no concrete ideas in their 2030 plan to preserve agricultural land, and she doubted Orem did either. She was working with the Utah County Commissioners to preserve agricultural land in the area. She had concerns about the connector road that would cut through ecologically sensitive wetland. She advocated preserving natural green space and food producing land, and thought one strategy would be to purchase more conservation easements in the area.

Dave Jeddo, resident, said he was asking that the Wilkerson Farm be left out of the annexation. He represented the Franklin 2<sup>nd</sup> ward, a Native American Indian ward, which used the southeast corner of the Wilkerson Farm property as a garden. The garden was a laboratory where children learned the value of agriculture and learn the skills to grow seedlings to maturity. The produce from the garden fed 375 ward members. He invited his son to share things he had learned about plants for his science fair project. His son said he discovered that plants could see and

communicate with one another. They were able to react to the slightest touch and estimate time within extraordinary precision.

Shawn Bunderson, resident, said he had been working with both the County and Orem City for the last three years trying to build some homes on his family-owned land. He said as a landowner it was frustrating that he could not develop his own land. He spoke with Sam Kelly about the processes of working toward development, and Mr. Kelly advised him to promote the idea of annexation. If Orem annexed the land, he would be able to develop. He said he learned that working with developers would help him, so he had been working with Mr. McDougal and Mr. Mansell. He said he understood the tough decision that was before the Council, but he hoped they could find a solution that would allow him to develop his land.

Margaret Dayton, resident, said she wanted to thank the Council for staying to listen and for their service. She was hoping they would preserve open space and agricultural land in the area. She said she did not want to interfere with private property rights, but if the area was annexed she urged them to not zone it for high-density housing. She said the area had some unique soil that was ideal for fruits and vegetables and was a great treasure for Orem to maintain. She felt there was interest in farmer's markets and buying local produce. She said any land lost to urban development could never be replaced, and she hoped farmland would remain.

Skip Dunn, resident, said he understood the emotion tied to the area. He said this had been long in development, and this area was the last stronghold. He felt farmers should be able to do what they do, and that landowners should be able to do what they would like to do. He said it was a tough deal to get utility connections in that area, and he thought people took water and sewer connections for granted. He saw the potential for good growth in the area, and he could see the good in the proposed projects from the developers. He said the densities they were proposing were to make their projects work and alleviate some of the City's responsibility in the area.

Mark Bowden, resident, said he was concerned about how the water, sewer, and other utilities would be brought to the area. He also wondered if the utilities could benefit the industrial park that was near but not part of the annexation area. He said people wanted to get the most out of their land, but as he looked into the future he saw the potential for the high-density housing to become low-income housing and for buildings to become run down. He also wanted to discuss a sign issue in the area and asked for someone from the City to follow up with him about it.

Rachel Wilkerson, resident, said many community members had come to the meeting or sent emails to show support for local agriculture. She said these farms had been in operation for over a hundred years, and the area was special. She felt it would be difficult to operate a farm with apartments down the road. There were nuisance issues that came up in association with farming, but farming was not a nuisance. It was an industry that gave back to the community. She said everyone needed to be able to eat, and to produce food there needed to be farmland available.

Alan Hamberlin, resident, said he and some of the landowners around him were hoping to be a part of this annexation petition, but would follow up with the City about that process in the future. He said he hoped to connect with City infrastructure once it was in place, because the County would not allow any development without water. He said he was tired of fighting with the County and paying taxes for "industrial uses" that he was not even able to do.

Richard Wilkerson, resident, said he thought this would be the last time a group of farmers would be coming before the City Council, because they were the last ones left. Once farmable land was gone the farmers would be gone too. He hoped they valued what they did and what the land could do, and he hoped to be part of the effort to care for the community by providing food. Land was expensive, and it was very difficult for new farms to get started. He asked that they develop an agricultural plan and consider the needs for irrigation, wells, and other infrastructure. He felt it was important during tough times for an area to be able to produce its own food.

Chris Foster, resident, said he came to oppose the development. He said he represented many who lived in the area that treasured the farms and the opportunity to have farm land, as well as the conservation and agricultural easements.

Linda Brown, resident, quoted a country song, saying, “We don’t need the farmer anymore when we can just go and buy it at the store”.

Don Barr, Provo resident, said it was inaccurate to say the proposals were not near existing homes, especially when the proposed projects would be near existing homes if they were approved. He said there were twelve homes close to the proposed development on the east side and would likely need to connect to City service lines, but even more that would be affected. He had been in the area a long time and he liked Orem, though his home had been annexed by Provo. He said this was a difficult decision that would take “the wisdom of Solomon to sort out”.

Pat Johnson, resident, said she owned property in the annexation area for eighteen years. She had been trying to put in a nice storage unit business, but could not get around the County. She was in favor of the annexation for the purpose of being able to develop or sell her land.

Gene Morris, resident, said he came to the meeting to ask the Council to do what the Planning Commission recommended and not annex the land but leave it for farming.

Sandy Morgan, resident, said annexing the area was opening the door for developers and telling the farmers they could not farm. She said it was difficult to get farming equipment down or across Geneva Road, which was already a busy road and she knew of no plans to expand it. She said she had to plan when she could leave her home because of the traffic in the area. She said this would be turning what was left of Orem’s green space and farmland into concrete like the rest of Orem. She asked if there could be at least one remaining open space for agricultural operations. She was concerned about the loss of her lane for the Lakeview Corridor.

Jessica Street, resident, said this was an emotional and difficult decision. She felt the farmland was needed, but also recognized that the city was still growing. She thought it would be wise to keep the farmland and felt Orem needed to stay a tree city, not an apartment city. She wondered if it would be possible to consider lower density projects, both from a safety and aesthetic standpoint.

Wanda Barr, Provo resident, said she moved forty-three years ago from a Provo suburb into the unincorporated community of Lakeview, which was the root of the Provo and Orem areas. She had hoped the community could stay together and be annexed into either Provo or Orem together, but that had not happened. She had seen development occur to the south and east of her home, most of which was high-density housing that was basically vacant. She wondered why

there needed to be more housing developments if those were still vacant. She said the corner she lived on was dangerous and she often heard brakes squealing and worried about increased traffic in the area if they were annexed.

Jenny Pine Yancy, resident, said her family owned an orchard in the area and felt that farmers were losing their rights every day. She said they could not drive their tractors on the road because they were not “road permitted” and the traffic was dangerous. They had been subject to tests on their manure because of the smell. She said they dealt with developers every day because their land was much more valuable for development than farming. She asked that they not take farmland away from these families.

Jeff Mansell, petitioner, said he had been to every meeting about the annexation. He understood and sympathized with the emotions involved in this decision. He said people had a right to choose what they did with their property, be it for agricultural operations or land development. He said they were not insisting annexed land be taken away from farmers and developed immediately. He said the County would not let development move forward and so to allow all parties the right to use and develop their land he supported the annexation.

Elaine Schofield, resident, thanked them for their time in studying the issue. She said she wanted the annexation denied for the following reasons: She felt there was an opportunity to leave a legacy for the City with a few acres dedicated for open space and agriculture. She said many runners and cyclists went through the area and enjoyed the beautiful open spaces and seeing the farm animals and wildlife. She felt these things benefitted the city.

Stan Roberts, resident, owned land in the proposed annexation area. He said the maps showed the bulk of landowners in favor, but he thought those individuals outside of the annexation area should have a say as well.

Kathryn Stone, resident, said she wanted to talk about the Wilkerson Farm. To her, the open space was priceless and it was being lost very quickly. She felt these gems of Orem should be preserved. She said the Wilkerson Farm was interactive, allowing children and adults alike the opportunity to spend time on the farm in the fields, pick their pumpkins, they even offered classes for children to learn about agriculture and plan life cycles and more. She thought progress should be knowing when to move forward and also when to pull back. She felt the progress in this case should be land preservation.

Alan Sable, resident, said the concept of keeping an island of agricultural land was enticing. He felt the majority of landowners in the area would love the opportunity to keep their land for agricultural uses and see the same financial benefits as land development.

Mike Faragher, resident, said he was not a farmer but grew up with his father doing real estate. He saw both sides when it came to property rights. He lived in an apartment building that was built in the 1970s. While he enjoyed some of the amenities that came with apartment living, he also dealt with some of the frustrations. He felt many were aging and in need of improvement, and not all apartment-dwellers made good neighbors. He thought that was something to consider when building more high-density housing developments. He said his wife loved going to farmer’s markets and thought they should keep the quality of life here in Orem.

Kent Olsen, partner with petitioner Ryan McDougal, said he agreed that the area was a gem and this was a tough decision as there were competing uses for the land. He said he had lived in South Jordan for twenty-six years and felt he had seen quite the variety of development there, from temples to townhomes, golf courses to commercial developments. He said there were side-by-side developments with farms and housing developments in the area. He said it was not perfect, but he felt it could work in this area too.

Linda Wilkerson, resident, said development happened quickly and seemed spectacular, but as time would pass people would grow nostalgic for the things that used to be. She felt farm life was beautiful, especially being surrounded by natural wonders like Mt. Timpanogos. She said the Wilkerson Farm attracted visitors from around the state, and they did not want to lose the opportunities to cultivate the land and teach about agriculture. She said she was not opposed to development or to building housing but she felt there were plenty of those housing developments already. She thought there should be balance and preserved green space.

Trevor Sniatynsky, resident, asked for an estimate of the number of apartments being built in Orem. He said projects were being built to accommodate UVU's growing student population and he felt in a saturated market developers would need to do something to stay competitive, and so rooms were built cheaper and sold/rented for cheaper and building owners would not be able to afford the upkeep of the complexes. He felt this would attract lower-income residents, and worried that upkeep and neighborhood improvement would not be a priority to those residents. He reiterated the point that farmland, once lost, could never be regained and said it would be beneficial to spend time fixing existing structures instead of building new ones.

Mayor Brunst answered that there were about 2,200 units.

Ryan McDougal, applicant and petitioner, said the majority of property owners within the area were supportive of the annexation. He said they wanted to be able to develop their land how they wished. He said those seeking development were not looking to dictate how people would use their land, and the annexation would allow those who wanted to continue farming to do so but also allow for development. He said when he was told the developers would provide the utilities he went back to the drawing board for a new plan that would work. He said they had taken all the proper steps and had done everything the City had asked them to do. He asked if annexation took place that developers be allowed to do what was necessary to make their projects feasible, because there needed to be a means to install the infrastructure.

Mayor Brunst closed the public hearing.

Mr. Andersen said picking and choosing the annexation area would affect those that were not included as well. He felt everyone would be affected regardless of if they were in the specified annexation area or not. He thought some of the proposed utility rate increases were to support the annexation and he thought that would be a mistake.

Mr. Macdonald said he was appreciative of the respectful way disagreements had been handled, and thanked those who had spoken. He said there was a majority that wanted to annex, and he felt that annexation allowed for landowners to farm or develop their properties. He appreciated the passionate public statements, but thought it was difficult not think about property rights on both sides.



Mr. Seastrand echoed Mr. Macdonald's thanks to the audience. He said it was easy to have several perspectives on this issue, and he acknowledged that this was a big decision. He was trying to find win/win solutions. He said the annexation had been part of the City's Master Plan for a long time, and was often perceived as already part of Orem. He wondered if the Wilkerson Farm could be moved into a designated agricultural or conservation easement area. He said a major concern he had heard was the density and format of the proposed projects, and not necessarily the annexation itself. He wished he could step back and examine all the various aspects and discuss the issue further.

Mrs. Black wanted to clarify that the Planning Commission had not made a recommendation regarding annexation because they had not considered it; this was a City Council responsibility. She said the bulk of the landowners were in favor of annexation and it provided choice for those landowners. She also wanted to clarify that the UVU population was significantly higher than had been previously mentioned.

Mayor Brunst **moved**, by ordinance, to approve the Lakeview Addition to Orem City Annexation Petition to annex 227.59 acres into the City of Orem. Mr. Spencer **seconded** the motion. Those voting aye: Margaret Black, Richard F. Brunst, Tom Macdonald, David Spencer, Brent Sumner. Those voting nay: Hans Andersen, Mark E. Seastrand. The motion **passed, 5-2**.

6:00 P.M. PUBLIC HEARING – SW Annexation General Plan Amendment and Zone Implementation

ORDINANCE – Amending the land use map of the Orem General Plan to apply a land use designation to approximately 227 acres of property described in the Lakeview Addition to Orem City Annexation Plat located generally at 1600 South Geneva Road

ORDINANCE – Amending Section 22-5-3(A) of the Orem City Code and the zoning map of the City of Orem by zoning approximately 176 acres of property described in the Lakeview Addition to Orem City Annexation Plat located generally at 1600 South Geneva Road to the OS5 zone

Mr. Bench explained that this request had two parts and was only now applicable because the City Council had approved the "Lakeview Addition to Orem City Annexation Petition" in the previous item. Because the City Council had approved the annexation, it would now need to (1) apply a General Plan land use designation to the property in the annexation area and then (2) apply a zoning designation to property in the annexation area.

**1. General Plan Designation.**

The City Council expressed its intent in meetings in November 2014 and January 2015 not to expend any City funds to pay for installation of utility infrastructure in the southwest annexation area. In accordance with this direction, Staff had worked with potential developers to come up with a plan that would make it feasible for developers to install necessary utility infrastructure at their own cost.

Because of the cost of installing water, sewer and storm drain facilities in the annexation area, the developers and staff initially determined that a mix of General Plan land use designations consisting primarily of high density residential, medium density residential and community

commercial would most effectively allow the development of land in the annexation area and would support the cost of constructing necessary infrastructure.

Two potential developers, Ryan McDougal and Jeff Mansell, had indicated that they would be willing to front the cost of installing water, sewer and storm drain facilities sufficient to bring these utility services to their respective properties if the original proposal was incorporated into the General Plan and if their proposed PD zones were approved by the City Council. However, their ability to install this backbone infrastructure was dependent upon obtaining the density they had requested in their respective PD zones.

Option A called for light industrial uses adjacent to I-15 and west of the future Lakeview Parkway, commercial development at key intersections, and medium to high density residential development east of Lakeview Parkway and west of the railroad tracks. This plan would generate an average overall density of approximately seven units/acre throughout the southwest annexation area. This plan would also accommodate the development proposals submitted by Ryan McDougal and Jeff Mansell.

The Planning Commission considered the proposed Option A on August 5, 2015 and ultimately recommended denial of this proposal. The Planning Commission recommended that the City Council consider a lower density plan.

Based on the Planning Commission's recommendation, Staff had proposed the following two alternatives for the City Council to consider for the General Plan land use designations: (1) Option B-Industrial Land Use and (2) Option C-Low Density.

Option B proposed primarily light industrial General Plan land use designations and was based on recommendations outlined in the City's Economic Development Strategic Plan which called for an expansion of the Orem Business Park. This plan would accommodate the existing conservation easement on the Cherry Hill Farm and adjacent Clear Horizons Academy and would support commercial development at the future intersection of 2000 South and the Lakeview Parkway.

Option C proposed primarily low density residential and light industrial General Plan land use designations. This plan was developed based on the recommendation of the Planning Commission to explore land uses more compatible with the existing rural/agricultural nature of the Lakeside area. A plan was adopted by the City Council in 2001 which stated that, "the City will require excellence in development layout to preserve views, create pedestrian-friendly and attractive streets, and maintain the distinct rural character of the Lakeview Area. Development may be clustered in an effort to preserve open space and natural resources." Option C was a hybrid between a low density residential plan and a light industrial plan option. A low density residential designation would apply between Geneva Road and the railroad right-of-way and light industrial and community commercial would be located west of Geneva Road.

## 2. Zoning Designation.

After the City Council adopted a General Plan land use designation for property in the annexation area, it would next need to consider and adopt an appropriate zoning designation for property in the annexation area. The two potential developers referenced above had contracts to purchase property totaling 51 acres in the annexation area and had requested that the City

Council adopt and apply two separate planned development (PD) zones to their respective properties. The area included within the requests for these two PD zones was shown in the map below and these two requests would be considered in subsequent agenda items. However, the two developers did not have any specific request as to the zoning designation for the remaining 176 acres in the annexation area that were not a part of their requests and Staff requested that the City Council amend Section 22-5-3(A) and the zoning map of the City of Orem to apply the OS5 zone to these 176 acres as shown in the map below. Staff also recommended that the City Council continue the decision as to what zone to apply to the area of the proposed PD-42 zone and proposed PD-43 zone until those specific requests were considered in upcoming items.

Mr. Bench said the City Council would decide a General Plan designation first, and then decide the zoning of the specified area, with the exception of the PD-42 and PD-43 zones which would be considered separately. The recommendation was to zone the area as OS5. He showed map representations of the three proposed density options for land use plans.

Mr. Spencer asked to see the Option B map again for clarification.

Mrs. Black and Mr. Seastrand asked Mr. Bench to give added clarification on the land use density options, particularly the light industrial overlay.

Mr. Bench said light industrial would typically accommodate controlled manufacturing type uses with smaller office type components, not unlike the business park currently on University Parkway. He said Option A was medium density, containing about 1,508 units or about eight units per acre. High density was sixteen units per acre, and low density was about four units per acre.

Mr. Macdonald asked if Option A was what the Planning Commission recommended the City Council not approve. Mr. Bench said that was correct, that they recommended a low-density option. Options B and C were created by staff based on recommendations from the Planning Commission.

Mr. Spencer asked if Option B would allow the building of single-family homes.

Mr. Bench said the light industrial did not support single-family homes, and those looking to build single-family homes would request a change in the land use designation. He said Option C would allow for low density residential in the areas identified. He further clarified that PD zones did not necessarily need to conform to the general plan so if the Council moved forward with Option B and someone wanted to build single-family homes they could apply for a PD zone in the light industrial area.

Mr. Spencer asked what land use designation would likely be put in place if the area between the railroad tracks was annexed. Mr. Bench said they would recommend light industrial for that area.

Mr. Andersen asked if the low-density options would mean nothing would happen because developers would not be able to make their plans feasible.

Mr. Bench said the impact fees were adjusted for a low-density option, so infrastructure would be developer driven.

Mr. Earl added if all property in the annexation area developed under low-density residential or light industrial, the impact fees would pay for all infrastructure. The same would hold true if development was all medium or high density. The general plan designation was a broad view plan for the wanted outcome, and as much as possible the zoning classifications should fit within general plan designations. He said the general plan designations were advisory, and the Council had discretion to modify the presented options as they saw fit.

Mayor Brunst said he felt the low-density options made the most sense to allow for property to be used how landowners wished.

Mayor Brunst opened the public hearing.

Shawn Bunderson, resident, said he was concerned about the light industrial option and thought that might have higher fees in requesting a rezone. He thought the low-density recommendation from the Planning Commission was the best option. He said during his time working through his land issues with the County, Orem, and Provo he was able to connect to Provo City's water services. He had been told that after annexation he would no longer be able to connect to Provo, which concerned him. He said moving forward with Option C provided more options for landowners.

Elaine Schofield, resident, said in 1999 the City Council put together a committee to work on a master plan for this area. She said the plan was adopted in 2002 by the Council and believed it was still in effect. She thought that plan needed to be considered in these discussions.

Karen Eyring, resident, said she lived near the end of Sandhill Road and when that road was improved there was a dramatic uptick in the amount of traffic around her neighborhood. She was concerned about higher density projects that would increase traffic similarly. She was also concerned that there were no plans that she was aware of to improve 2000 South or Sandhill Road to accommodate the significant traffic increases. She knew the neighborhoods did not want the traffic that would be coming from the high-density residential developments in the area.

Richard Wilkerson, resident, said maintaining farmland was his war cry. He lived close to the area and was also concerned about the traffic produced by high-density projects. He said the neighbors did not want high density in the area and felt it would ruin the neighborhood.

Mayor Brunst closed the public hearing.

Mr. Spencer asked if it was true that the light industrial Option B would have higher fees. Mr. Bench said it was the same fee to rezone the property regardless, which was about \$2,000.

Mrs. Black said she generally liked Option C the best. She thought there could also be a fourth option allowing for low-density residential throughout the area.

Mayor Brunst said the idea in having the light industrial designation was to accommodate the planned Lakeview Parkway and the development that may come with that. It could also be changed as needed.

Mr. Bybee asked Mr. Stocksdales to speak to the 2001 plan mentioned earlier. Mr. Stocksdales said the Lakeview Area Plan was created by an ad hoc committee and some of the recommendations in the plan were for open space preservation, wetland preservation, historic preservation of the farm homes, etc. He said in that plan the predominant zones would be open space, residential that could be clustered to preserve open space, and agricultural uses.

Mrs. Black said Option C alluded to that plan, saying that the City would “require excellence in development layout” and she felt that option was intended to address the points in the original Lakeview Area Plan.

Mr. Macdonald asked if the low density designation would still allow developers to install infrastructure. Mr. Earl said the expectation was that whatever the general land use designation, the cost to install infrastructure was still on the developers and would be paid back by impact fees.

Mayor Brunst **moved**, by ordinance, to amend the land use map of the Orem General Plan to apply a land use designation to approximately 227 acres of property described in the Lakeview Addition to Orem City Annexation Plat located generally at 1600 South Geneva Road, Option C – low density. Mrs. Black **seconded** the motion. Those voting aye: Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. Those voting nay: Hans Andersen. The motion **passed, 6-1**.

Mayor Brunst **moved**, by ordinance, to amend Section 22-5-3(A) of the Orem City Code and the zoning map of the City of Orem by zoning approximately 176 acres of property described in the Lakeview Addition to Orem City Annexation Plat located generally at 1600 South Geneva Road to the OS5 zone. Mr. Seastrand **seconded** the motion. Those voting aye: Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. Those voting nay: Hans Andersen. The motion **passed, 6-1**.

6:00 P.M. PUBLIC HEARING – SW Annexation – PD-42

ORDINANCE – Enacting Section 22-11-55 and Appendix KK, PD-42 zone, amending Section 22-5-1, Section 22-5-3(A) and the zoning map of the City of Orem by zoning property located generally at 700 West 2000 South to the PD-42 zone

Mr. Bench presented Ryan McDougal’s request that the City enact Section 22-11-55 and Appendix KK, PD-42 zone, amend Section 22-5-1, Section 22-5-3(A) and the zoning map of the City of Orem by zoning the property located generally at 700 West 2000 South to the PD-42 zone.

The applicant had a contract to purchase approximately 14.19 acres of property located at approximately 700 West 2000 South. The subject property was located in the annexation area that was considered in a previous item.

The applicant requested that the City Council adopt and apply the PD-42 zone to the subject property. The PD-42 zone would allow the applicant to develop side by side townhome units at a density of 13.7 units per acre with a total of 192 units. If approved, the concept plan and proposed building elevations would become part of the City Code as Appendix “KK.”

The following were the major elements of the proposed PD-42 zone:

The permitted density as proposed was up to 15 units per acre, which was similar to other PD zones developed or approved for higher density residential development in other areas of the City. The applicant's concept plan showed 13.7 units per acre.

The maximum residential structure height was proposed to be 30 feet.

All buildings were required to be set back at least 20 feet from the west and north property lines and all public street(s). The setback to the east adjacent to the railroad track was not specified but will be regulated by the building code.

The exterior finishing materials of the residential structures shall consist of brick, stone, stucco, concrete fiber-board siding or combination of these materials.

At least 2.25 parking stalls per unit shall be provided, two of which must be covered. The extra .25 parking stall was reserved for guest parking.

Along the west, north, and east property lines, a Rhino Rock® or equivalent material fence shall be installed. The minimum fence height shall be six feet and was not required along 2000 South.

The proposed PD-42 text did not specify any amenities, but the concept plan did show some open space areas. The developer would be held to those open space areas and amenities that were shown on the concept plan.

Two access points on 2000 South were provided. A stub access to adjacent property to the west would also be constructed to allow interior movement of vehicles and pedestrians should that property develop. Traffic as the result of this development was a concern of the Planning Commission. In the opinion of the Planning Commission, the design of 2000 South and Geneva Road was not currently wide enough to handle the increase of traffic. The opinion of the City traffic engineer was that the existing road could handle the increase of traffic. The developer would improve 2000 South along the development frontage and when additional properties developed, they would improve their share of 2000 South. The developer could not be asked to widen and improve all of 2000 South.

The consensus of the Planning Commission was to deny the request for high density residential. They understood the property will develop in the future, but felt high density was not appropriate at that location and the impacts generated by the development including traffic was too much for the road design of Geneva Road and 2000 South. The Planning Commission felt that the area should be considered for a much lower density when developed.

The Planning Commission recommended the City Council deny the request to enact Section 22-11-55 and Appendix KK, PD-42 zone, amend Section 22-5-1 and amend Section 22-5-3(A) and the zoning map of the City of Orem by zoning the property generally at 2296 West 2000 South to the PD-42 zone.

Mr. McDougal thanked the Council for their consideration on this matter. As was presented, his proposed plan involved a townhome development. He said when they started the process, they

knew they would be up against the issue of getting utilities to the property. When he met with Council he was told to develop with a plan that would pay for the installation of utilities infrastructure, which he had done because the idea was not to burden other taxpayers for the installation. He said his project was medium density, not high density, and this medium density plan had been developed after many neighborhood meetings as a means to keep the impact fees as low as possible but still be able to install the infrastructure. There were a number of challenges with the property finding a product that would be maintainable as well as marketable. He felt the project would be an asset to the city and would serve as a buffer between the many different uses in the area including I-15, Sandhill Road, the railroads, and other uses. He read from the General Plan regarding PD zones and the proper placement of high or medium density housing developments. He felt this project was an appropriate use in this area.

Mayor Brunst asked who Mr. McDougal's contract was with to purchase the land.

Mr. McDougal said the contract was with Stone Creek Properties. He said the land was used for the Wilkerson Farm currently, but it would be developed whether by this project or another. It could not remain farmland, and he felt this was a suitable project for the land. He shared some points from the Envision Utah survey, saying that 78 percent of Utahns preferred a residential scenario that included a variety of housing options and was designed for convenient walking, transit, and short drives. He said the variety of housing options would allow more people the chance to afford to live in nice neighborhoods. By grouping high-density housing developments, it allowed for better land usage and helped to avoid urban sprawl. He said the population growth in Utah was set to double by the year 2050 and he felt that this housing development was appropriate for this area to maintain a high standard for the community and meet the wants and needs of residents that were indicated in the Envision Utah survey.

Mr. Macdonald asked Mr. Bench if the project was high or medium density. Mr. Bench said it was somewhat in between but by what was defined earlier this was closer to high density than to medium.

Mrs. Black said she wanted to hear from the property owner.

Richard McClouskey came forward. He said when he purchased the property in 2007 the intent was to build a school. That plan did not work out but during that time there were many discussions about the issue of bringing utilities to the property. The utilities issue made certain agreement possibilities unfeasible, and at one point they had discussed the option of annexation into Provo because Orem had no intent to bring utilities to the area at that time. He said some development needed to be done to try and recoup some losses when the school development fell through. He knew the Wilkersons would love to keep it long term as farmland but that was not an option for him because a lender was owed. He supported some kind of development and he did not know how the City could move forward with annexing without providing utilities in some way.

Mayor Brunst asked what the Wilkersons paid to lease the land for farming. He asked about the property tax on the land. He also asked Mr. McClouskey what he believed the land was worth.

Mr. McClouskey said they paid \$2,000 for the fourteen acres the past year. For several years they were not charged anything but there were some associated costs that needed to be covered.

He said the property tax was low because it stayed in green belt while it was used for farming. He said the worth of the land had contributing variables, including zoning. He paid \$1.4 million for the land with a 12 percent interest rate, and the lender had been incredibly patient with him as far as payments on the land and had not required many large or even small payments for a number of years. He said he was looking for a solution that would work for all parties, and had had the land under contract four separate times. The utility issue had been the problem for the previous developments, and they had tried for years to work something out with either Provo or Orem. He said there was no way he could allow this to stay farmland because the lender needed to be repaid. The lender could seize the property at some point, which would also take away the possibility of keeping the land for farming.

Mayor Brunst asked if the units would be for rent or for sale. He asked what the square footage was for the units.

Mr. McDougal said they had not removed any option from the table as far as rental or sale of the townhomes. They could have a portion for sale depending on the market. He said they would be approximately 1,500 square feet, with units including two bedrooms, two bathrooms, and a two-car garage and more than adequate parking. He said these were not typical townhomes, as they were designed to face the green open spaces with nice frontage. He thought this type of product was a category above some of the other apartment/condo type developments he had seen. He said they were open to feedback to ensure that the final product was an asset to the City.

Mr. Andersen said he had been going through the proposed five-year budget and one thing listed was a storm water pipe going down 2000 South for about \$2.25 million. He asked Mr. McDougal what his responsibility was for that storm water pipe and how the difference would be made up.

Mr. McDougal said his understanding was the developers would be responsible to install the initial backbone infrastructure and receive credits for that installation, and then be reimbursed by the appropriate impact fees. He was not sure what the developer's responsibility was toward the storm water pipe he was asking about, but understood they would pay their proportionate share for whatever burden was placed on that system.

Mr. Bench said for 192 units the storm water would be \$1,944 per ERU.

Mr. Earl said there was to be a pioneering agreement where the first developers in the area were going to install water, sewer, and storm water infrastructure. The agreement called for installation of storm water infrastructure on 2000 South. The City was asking the developers to install a storm water pipe that would be adequate to service all of the development in the Southwest Annexation area. In that area, all the installation costs for storm water would be covered by the developers. Because the area was at a low elevation for the city geographically, other city storm water flowed down through that area through existing city facilities. The new storm water drain infrastructure being talked about here was designed to replace a part of the Taylor drain. In the pioneering agreement it stipulated that the City had the right to require the developers to upsize the storm drain lines beyond what would be needed to handle the Southwest Annexation area's storm water and the City would pay for the existing cost over and above the base infrastructure.



Sam Kelly, City Engineer, said they met with a consultant to discuss the storm drain master plan because it called for a forty-eight inch pipe to come through, but that was based on the fact that the city would not put any more storm water into the Lake Bottom Canal. There needed to be further discussion on the issue. As far as the project in the capital facilities plan, it was still a bit up in the air. They wanted to find the best solution that would work toward meeting the needs of other projects in the city as well. He said the storm water fee was different because it was based on acreage. The trunk lines that would be installed by the first developers would service the Southwest Annexation area at the same level that the City had. So if the City needed to upsize, they would need to find a way to participate.

Mr. Andersen said his concern was who was going to pay for it.

Mr. Earl said the storm water pipe being installed to handle the Southwest Annexation infrastructure would be paid for by the developers, which would be a significant cost to them. As part of the pioneering agreement they would need to have water, sewer, and storm water infrastructure.

Mr. Kelly said if the City decided to run their storm drain through the McDougal property, then at that time the City would participate with his project and pay for the upsize of the pipe. The City's capital facilities plan included taking care of the opportunity costs to install the forty-eight inch pipe as a joint venture with the developer.

Mr. Earl said the real burden was building the storm water infrastructure, and the developers would then get a credit against the storm water impact fees levied against their property. They would be paying much more for storm water improvements than the impact fees would be for storm water against their property. The first developers' hope would be that as other property in the area was developed and paid impact fees that they might get reimbursed for all or part of the cost that they would incur upfront.

Mr. Andersen asked when the \$2.25 million would be spent.

Mr. Earl said he was not certain how to answer that question, but said the developers would put storm water facilities adequate to handle the storm water needs generated by the annexation area.

Mr. McDougal said his understanding of the agreement had the developers putting up the costs up front to install the infrastructure, and as others hooked in the developers would be reimbursed with impact fees.

Mayor Brunst opened the public hearing.

Jeff Mansell, petitioner, said it was important to understand that he and Mr. McDougal did not want the area to become like the area in Vineyard that was seeing such extreme growth. The annexation area, because of the agricultural protection overlay, only allowed for approximately 100 acres that could be developed as residential. The low density designation has further limited the units that could be built. He said by allowing a large number of units in the two proposed PD zones it would reduce the number of units available in the remaining acreage. He also pointed out that the first developers in the area had made serious commitments to bring the utilities to the

area, which would be beneficial to both the City and the area long term. He would prefer both projects to move forward to allow for better financing of the infrastructure installation.

Rachel Wilkerson, resident, said she wished she could buy the land to keep it as a farm, because it was a business that continued to grow. She felt this project did not fit into the low-density land use plan that the Council had determined. She said having a large housing development right next to FrontRunner would be dangerous for children. She said the train stopped multiple times in the area and she did not believe it would be a place that young families would want to live.

Dan Pulver, resident, said he wanted the Council to keep to low density. He said near his home along Sandhill Road there was a medium density project being built and he had already seen an increase in traffic. He was worried about even more traffic if high density projects were approved and hoped the Council would deny these projects.

Dustin Palmer, resident, said he owned and operated businesses on Sandhill Road. He was concerned about the impact of the traffic on 2000 South specifically and the south end of Sandhill Road near the roundabout. He felt that most people in the developments would need to use 2000 South and Sandhill, neither of which was designed to handle that level of traffic. He felt that any development would add costs to the residents in both Orem and Provo to improve those roads.

Linda Brown, resident, said the Council had decided for low density and this was not a low density project. She was also concerned about the traffic this project could generate. She felt the information from the Envision Utah survey was to have people out of their cars but this would put hundreds of more cars on the roads that were unprepared for that volume of traffic. She did not think the City Council was in the business of protecting developers' money, but in doing what was best for the people of the area.

Ken Olsen, developer, said this project would not change the overall density in the area because they would cluster the units, and he felt that would also help with the traffic issues. He said this project would have the same feel as grouped single-family homes because these were townhomes that were no higher than two stories and had twenty-five foot setbacks. He felt if there was any place in the annexation area that could handle this kind of townhome development, this was it. It was a good transition and buffer from railroad and industrial to residential areas. He said the amenity package and the walkability would make this project an asset for the City.

Richard Wilkerson, resident, said he did not believe a townhome project would be a good buffer for the railroad. He said people still lived in townhomes and would be affected by the railroad and industrial uses in the area. He said the best buffer would be farmland. He suggested the City purchase the land and designate the area as an agricultural easement, which would recoup about 80 percent of the money the City would spend on the land. That way the neighborhood would be satisfied and the farmland could stay.

Karen Eyring, resident, said she lived near the freeway and the rattle of the trains bounced her house, so they would definitely bounce the townhouses. She said the traffic would be an issue because there were 192 units proposed and each unit had a two-car garage. She felt the roads were not sufficient in the area to accommodate that increase in traffic. She said if a development like this was going to go in, then the roads needed to be improved first. People would speed in

the area, especially around the curve at 2000 South and “Snake Hill Road”, and there were already many accidents.

Jessica Street, resident, asked if this development would have an HOA. She said she had lived near train tracks and said there was always noise from the railroad. She felt having families live right next to the railroad lines was a bad idea. She said she was part of an organization that helped low-income families with housing needs, which was a challenge as resources for low-income families became scarcer. She said eliminating farmland was taking away a resource, and she hoped there was a way to make the land a benefit to the whole community.

Mr. McDougal said the development would be maintained by a private organization, not by individual residents.

Wanda Barr, resident, she was concerned about the spirit of the neighborhood and she wanted to preserve the pioneer country spirit. She felt increased density in the Lakeview neighborhood would take away from the pioneer spirit the area had. She was concerned about the units with all the cars at the development in Provo, which would be on top of these developments. She said most of those units were still vacant and there was not a need for more housing. Her concern for years was the traffic problem and she did not feel that the roads could not handle the added traffic.

Sam Lentz, resident, asked Mr. McDougal about the decision to proceed having the developer pay for the installation of the utility infrastructure in the annexation area. He was interested in the timing of the decision because of a flier Councilmember Andersen was distributing that said he had saved the City over \$5 million.

Mr. McDougal said because of the late hour he could not say for certain when that decision was made, but it would have been at least six months prior to this meeting. Initially they asked about the possibility of a bond with the City, which they would have preferred, but they were advised that the City would not do a bond. It was decided that the developers would be obliged to come up with a plan to install the initial utility infrastructure. There would be an agreement that if the developers exceeded what the typical impact fees would be in the area they would eventually be reimbursed as development took place afterward. He said the developers would have preferred not to be responsible for installing the utility infrastructure for the whole area but he understood why the City would not want that burden.

Barry Brown, resident, said after the Wilkersons, he would be the most affected by the development. It would be his property’s east boundary and would landlock his pasture. He said the traffic problems would be inescapable. He agreed with Richard Wilkerson’s suggestion for the City to buy the property and keep it as agricultural land.

Jim Fawcett, resident, said his concern was regarding storage for culinary water. The culinary water study said, “Orem analyzed the water storage system and determined that there is no excess capacity which can be utilized by the annexation area.” He said the City already had a culinary water storage deficit of 10 million gallons, and his concern was if a well was not put in immediately the City would have to pay for the development.

Shawn Bunderson, resident, said this was a complex issue that would affect his neighbors and the developers and the City, and he had mixed emotions. He wanted neighbors and utilities, and these developments would help with that. He said the developers were required to widen the roads, which would benefit the area. He felt this would be a good buffer for the area. He had some concerns with the developments, but he knew the land would be developed whether it was this project or another. He worried about future proposals if these did not go through, as the area was near a growing university. He hoped whatever decision was made would benefit everyone.

Chris Foster, resident, said 2000 South was already busy. The area lost a cherry orchard to the east for developments and he felt like this would make the area so much busier with traffic. He said the Planning Commission may not have weighed in on the annexation, but they recommended that if the area was annexed it should be for low-density uses and agriculture. He wanted to defend the Wilkerson Farm against development, but he understood the difficulty. He was not sure Richard Wilkerson's proposal was possible, but he would support a proposal like that.

Mayor Brunst closed the public hearing.

Mayor Brunst said he appreciated the good effort Mr. McDougal has put into this proposal. He had some concerns with the density, the location, and the rental aspects of the project and was not personally in favor.

Mr. Seastrand said now the area was annexed the challenge was determining how to develop. The City had moved away from the option to bond for the utility infrastructure. These proposed developments relieved the City of having to install the trunk line utility infrastructure, but the density was a concern with the land use designation. Conversely, the developers needed a density that would make their installation costs worthwhile and the cluster aspect would leave the rest of the area for lower density development, but that was also a concern. Another option could be for the City to allow the utility infrastructure to be installed gradually as development occurred. There were many variables to consider, and it was difficult to know how things would develop if only one or none of the proposed developments was approved. He asked some clarification on the density issue.

Mr. Bybee said the zoning established a maximum density for the entire annexation area. If much of the density went into the proposed PD zones it limited the density allowed in the rest of the area. If not, the density would be spread through the area as development occurred. He said the estimate for the area was a maximum of approximately 852 total units or equivalent residential units.

Mr. Bench if the proposed PD zones had higher density concentration the rest of the area would only allow for the net difference density in the rest of the area.

Mr. McDougal asked that if the request was denied, that it be denied without prejudice. He felt a denial would cause undue hardship, and he would prefer feedback rather than a flat denial.

Mr. Earl said City ordinance said if a request was denied the applicant would need to wait one year before bringing the request back to before the Council. There were two options for an applicant to be allowed to bring a request forward again before one year had passed. The first

was if three Councilmembers who voted against the project requested that it be reheard within thirty days of the denial, or the applicant could come back with another request that was substantially different and would go through the application process again.

Mrs. Black said this decision was a bigger struggle than she thought it would be. She wanted Mr. McDougal to know that she appreciated his efforts and his presentation this evening.

Mayor Brunst **moved** to deny the request to enact Section 22-11-55 and Appendix KK, PD-42 zone, amending Section 22-5-1, Section 22-5-3(A) and the zoning map of the City of Orem by zoning property located generally at 700 West 2000 South to the PD-42 zone. Mr. Seastrand **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Mark E. Seastrand, David Spencer, Brent Sumner. Those voting nay: Tom Macdonald. The motion **passed, 6-1**.

Mayor Brunst **moved**, by ordinance, to amend Section 22-5-1, Section 22-5-3(A) and the zoning map of the City of Orem by zoning property located generally at 700 West 2000 South to the OS5 zone. Mr. Macdonald **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed** unanimously.

6:00 P.M. PUBLIC HEARING – SW Annexation – PD-43

ORDINANCE – Enacting Section 22-11-56 and Appendix LL, PD-43 zone, amending Section 22-5-1, Section 22-5-3(A) and the zoning map of the City of Orem by zoning property located generally at 2000 South Geneva Road to the PD-43 zone

Mr. Bench presented Jeff Mansell's request that the City enact Section 22-11-56 and Appendix LL, PD-43 zone, amend Section 22-5-1, Section 22-5-3(A) and the zoning map of the City of Orem by zoning the property located generally at 2000 South Geneva Road to the PD-43 zone.

The applicant had a contract to purchase approximately 37 acres located at approximately 2000 South Geneva Road. The subject property was part of the southwest annexation area that was considered in a previous item.

The applicant requested that the City Council adopt and apply the PD-43 zone to the subject property to enable the applicant to construct a medium density residential development consisting of townhouse type units with three distinct architectural styles. The applicant proposed to construct a total of 271 units with an overall density of 8.2 units per acre. If approved, the concept plan as well as the building elevations would become part of the Code as Appendix "LL."

The following were the major elements of the proposed PD-43 zone:

Two areas of development were proposed; the larger of the two, containing 35.4 acres, would be for residential development and was referred to as Area "A". Area "B" would have approximately 1.5 acres to be used for commercial development or an assisted living facility.

The applicant proposed a density of up to 12 units per acre which was similar to other PD zones developed or approved for higher density residential development in other areas of the City. However, the concept plan showed a density of 8.2 units per acre.

The maximum height of a residential structure in Area "A" was 35 feet while the maximum height in Area "B" was 45 feet.

Area "A" shall have a setback of at least 20 feet from all exterior boundaries, private streets, and Area "B." Any structure in Area "B" shall be set back from public streets and shared boundaries with Area "A" at least 20 feet or the height of the structure, whichever was greater.

Exterior finishing materials shall consist of brick, stone, stucco, concrete fiber-board siding or a combination of these materials.

At least 2.5 parking stalls were required per unit, two of which must be covered. Some units in Area "A" would also have a driveway which may be used for parking. Each unit would provide 0.5 parking stalls for guest parking, not including any parking stalls located on a driveway.

Amenities were shown on the concept plan and included a clubhouse, open space, and play areas.

The concept plan showed two access points along Geneva Road and a third to be located along 2000 South if and when that road was constructed. If 2000 South was constructed, the south access along Geneva Road would be modified to only allow access to the corner parcel and no access to the housing units.

The Planning Commission recommended denial of the request. The Planning Commission understood that the property would likely develop in the future, but felt that high density residential development was not appropriate at this location and that the traffic impact that would be generated by the development would be too much for the current configuration of Geneva Road and 2000 South. The Planning Commission felt that the area should be considered for a much lower density.

The Planning Commission recommended the City Council deny the request to enact Section 22-11-55 and Appendix LL, PD-43 zone, amend Section 22-5-1, Section 22-5-3(A) and the zoning map of the City of Orem to zone the property generally at 2000 South Geneva Road to the PD-43 zone.

Mr. Bench said Mr. Mansell was proposing three different unit types and a small commercial component. He was also proposing improvements to Geneva Road.

Mr. Mansell said the corner identified for the active adult 55 and older units may not be developed until long into the future. He also said it may be a neighborhood office or an assisted living center, so the overall number of units may be lower than the current proposal. He said he felt they had come up with a project that would be successful and would be a wonderful place to live. They had developed a similar project in Lindon that had been successful, particularly for those who may be looking to downsize to a smaller and more manageable residence and stay in the area. They would be partnering with Edge Homes for the garden-style townhomes. Each area would back open space with large setbacks, and there would be three designated play areas and a

clubhouse. They were planning quality amenities and allowing for lots of open space. He said all the units would have two-car garages and met the standards for parking.

Mayor Brunst asked for clarification about the wetlands and the Area “B”.

Mr. Mansell said Area “B” would be a C2 designation that would be developed well into the future. They delineated some area for wetland and a storm water detention area, but that would dry out as the storm water in the area was retained. Once dry most of the area would be green space that was designated as wetlands and still maintain a storm water retention area.

Mr. Spencer asked how big the area was. Mr. Mansell said it was over an acre, possibly closer to two. Mr. Mansell invited Joe Perrin, traffic engineer consultant with A-Trans Engineering, to come forward and talk about his study of Geneva Road in conjunction with UDOT.

Mr. Perrin said he worked with staff to evaluate the overall impact of added traffic to the area. He said units drove the traffic, and the clustering aspect would not change that. He said traffic was a relatively sensitive thing and if an area was not used to having any traffic then any additional traffic would make it seem much worse. His findings were that all the roads in question were under capacity according to national and local thresholds. He said 2000 South had been much talked about, but it was a road that had the capacity to carry about 15,000 cars a day but typically carried 2,000 cars a day. He said his job was to identify the capacity of the road for actual impact, not the relative feeling of those impacts. UDOT was requiring that the half-width improvements along Geneva Road be improved so there would be some widening and other upgrades the developers would be responsible for. The two access points on Geneva Road would satisfactorily accommodate the traffic there. He said it would add some traffic, but would certainly stay below capacity.

Mr. Earl said the City had been working with Mr. Mansell on a development agreement in which he would agree to construct his half of the improvements for Geneva Road to meet the UDOT cross-section along the length of the property frontage on Geneva Road.

Mr. Goodrich said Mr. Mansell would be providing the three lane section at his cost. He said going from a two lane road to a three lane road with a shoulder on a road like Geneva would increase capacity by 20-30 percent and would make the road safer. He said they were also preserving a corridor for the future Lakeview Parkway, which would be a major arterial going north/south.

Mr. Macdonald asked about the “snake hill road” that had been referred to earlier. Mr. Goodrich said that section of “snake hill road” was classified as a collector street. Years ago the City Council downgraded that designation in anticipation of an intersection Provo was looking to build, and because of that downgrade the road was ineligible to receive federal funding. Because Provo was not actively looking to build that intersection, staff would be asking that the road classification be upgraded as part of the updated Transportation Master Plan.

Mayor Brunst asked if they planned to build a fence between the property and Skip Dunn’s property.

Mr. Mansell said there was a fencing requirement in the development agreement for a fence that was a mixture of concrete solid surface fencing and other products. The fence would be the standard seven feet. He said the Provo airport would be critical component to the growth of Orem and Provo, and the Lakeview corridor would be important with that growth.

Mr. Seastrand asked how the light industrial areas on the side of Geneva Road mixed with the current proposal. He asked from a development standpoint if the light industrial areas would have a similar value.

Mr. Mansell said it would fall into a general mixed use area. He had seen other local examples of active adult developments within a larger commercial center, and the development they had done in Lindon had light industrial directly east of the property which had not been a problem. He said the value of light industrial was into the future once the expanded roads and infrastructure was in place. In the intermediate term of the next ten years it would be a struggle for businesses in the light industrial to take root without utilities, though he said he was no expert.

Mr. Andersen asked about the installation of the water and sewer and well, in light of the earlier considered McDougal project being denied. He asked if they would still be able to install the infrastructure and asked what he anticipated having to put up for that installation.

Mr. Mansell said they would install what they had been asked to install, and thought some of the specific items Mr. Andersen was concerned with were part of the City's budget and plan and had nothing to do with his project. He said with the McDougal proposal being denied, it put a much greater risk and greater financial responsibility on him. In order to move forward with the responsibilities to install the initial infrastructure they would need to keep the density the project was requesting. He said the overall improvement plan under the impact fee study was bonded, all the improvement would be done at once. This situation was for an individual developer to install the water line, the sewer line and the pump station for it, and a storm water system that would allow this section of the annexation area to deal with its storm drain. As development continued, they would be paid back and additional impact fees would be coming into the City for other developments that would continue to make additional improvements to the overall infrastructure. He said they were anticipating somewhere in the \$3 million range, and the impact fee allotment was \$2 million so they would be making up that difference until they were paid back from additional impact fees. That \$3 million did not include the well and other things Mr. Andersen had alluded to because those were not necessary until the entire annexation area was developed; future impact fees would pay for future upgrades in the area.

Mayor Brunst asked if the development was planning to connect with the future Lakeview Parkway. Mr. Mansell said they were anticipating that and they would stub to allow for that connection. They would also go into 2000 South when Provo decided to extend that.

Mayor Brunst opened the public hearing.

Ken Olsen, developer, said he did not think the Council had listened to the proposal from Mr. McDougal but had their minds made up before they came in. He said Mr. McDougal brought the annexation to the City. Then the City asked that he and Mr. Mansell provide the initial infrastructure but would not support a density that would allow them to do so. He was not happy with what happened with the McDougal proposal, and especially unhappy that Mr. Goodrich had



not given any comment on the traffic studies done for the McDougal project. He felt the Council's mindset about development and land use in the area was inconsistent to say the least.

Jim Fawcett, resident, wanted to return to the issue of "no excess capacity" that could be utilized in the annexation area. He wondered how anyone in the area could connect if there was no well in place. He said the impact fee study said they needed a well in the area and then people could building and connect. He thought they were ignoring the storage need in the impact fee study and analysis. He did not understand how they could allow development to begin without first having a well in place.

Shawn Bunderson, resident, said he felt this project would benefit him personally and the community as well. He hoped Mr. McDougal's proposal could come back at some point in the future, but he urged the Council to approve Mr. Mansell's project at this baseline to allow improvements to begin. He felt homes were better neighbors than industrial businesses.

Don Barr, resident, said he had his own well and was not dependent on connecting to Orem's water infrastructure but he had already been affected by wells dug by Orem. His property was right up against this proposed project, and he did not have a lot of dread about this project. He was not planning to move into the development or anything, but he thought this could be a decent development for the area. He wanted there to be access other than on Geneva Road.

Mayor Brunst closed the public hearing.

Mr. Mansell said under the original culinary water impact fee study based on over 1,900 units being built, there would be "no excess capacity" based on the complete buildout of the entire area.

Mr. Spencer asked for a clarification on the number of units in the proposal. Mr. Bench said 271 ERUs for the development at full buildout.

Mayor Brunst said he understood Mr. McDougal's disappointment. He said each council member had the opportunity to review materials and ask questions throughout the process before determining what they felt was right. He liked the road upgrade aspect of the project, and felt that it would be a buffer for the area. He said the project would help pay for needed utility infrastructure, which would greatly benefit the City, without having to meet a high density. He said developments for active adults 55+ were needed, and he liked that the units would be for sale.

Mrs. Black asked if the development agreement and pioneering agreement were part of enacting the PD-43 zone. Mr. Earl said a development agreement had been signed that indicated the developers would make the improvements to Geneva Road and on 2000 South. He said Mr. Mansell and the owner of Ridgeline Capital had signed a pioneering agreement indicating they would put in the necessary infrastructure.

Mayor Brunst **moved**, by ordinance, to enact Section 22-11-56 and Appendix LL, PD-43 zone, amending Section 22-5-1, Section 22-5-3(A) and the zoning map of the City of Orem by zoning property located generally at 2000 South Geneva Road to the PD-43 zone. Mr. Macdonald **seconded** the motion. Those voting aye: Margaret Black, Richard F. Brunst, Tom Macdonald,

David Spencer. Those voting nay: Hans Andersen, Mark E. Seastrand, Brent Sumner. The motion **passed, 4-3.**

RESOLUTION – Authorizing the City Manager, or his designee, to execute a development agreement between the City and Jeff Mansell pertaining to the installation of utility infrastructure in the Southwest Annexation Area and providing for impact fee credits and reimbursement to developers through collection of future impact fees

Mr. Bench presented Jeff Mansell's request that the City Council approve a "pioneering" development agreement between the City, Jeff Mansell and Ryan McDougal pertaining to the installation of utility infrastructure in the Southwest Annexation Area and providing for impact fee credits and reimbursement to developers through collection of future impact fees.

In a previous agenda item, the City Council considered the Lakeview Addition to Orem City Annexation Petition to annex 227.59 acres into the City of Orem. The City Council also considered the enactment of impact fees on new development activity in the Southwest Annexation Area in an upcoming item.

Ryan McDougal and Jeff Mansell (hereinafter the "developers") had contracts to purchase property in the annexation area and wanted to develop the properties that were the subject of the proposed PD-42 and PD-43 zones respectively. The developers were willing to install, at their own expense, the necessary infrastructure to connect to and provide City water, sewer and storm water services to their respective properties.

It was anticipated that the cost of installing this initial infrastructure would exceed the amount of impact fees that would be owed to the City by the developers for development of their respective projects. City staff had prepared a pioneering agreement that described the infrastructure to be installed by the developers and provided a procedure under which the developers could receive a credit for the cost of installing the infrastructure against the impact fees that would be incurred on their own developments. In the event that the cost of installing the infrastructure exceeded the amount of impact fees incurred by the developers, the pioneering agreement also provided that the developers could be reimbursed for this excess expense from impact fees that were collected from future developers if and when additional development occurred.

The principal terms contained in the pioneering agreement were:

1. Developers would be required to install, at their own cost, "backbone" infrastructure for water, sewer and storm water to connect to and provide City water, sewer and storm water services to their respective properties and to loop a water line.
2. The infrastructure improvements would have to be constructed in conformance with City construction standards and specifications and would be dedicated to the City upon completion and acceptance by the City.
3. After completion of the infrastructure improvements, developers would be entitled to a credit that could be used to offset impact fees that were imposed by the City on the developers' property. A credit could only be given for the same kind of impact fee as the type of infrastructure constructed. For example, a credit for water impact fees could only be given to offset the cost of constructing water facilities.

4. If the cost of the infrastructure improvements exceeded the amount of impact fees imposed against development on the developers' properties, developers could be reimbursed for the amount of the excess cost from additional impact fees that were collected by the City from other development in the Southwest Annexation Area. For example, if developers spent one million dollars on sewer facilities, they would be entitled to a credit for one million dollars of sewer impact fees. If the total of sewer impact fees on developers' projects were only \$500,000, they could be reimbursed that amount over time if and when additional development occurred in the annexation area and additional sewer impact fees were collected by the City.

Development Services staff recommended the City Council authorize the City Manager, or his designee, to execute a pioneering development agreement between the City, Ryan McDougal and Jeff Mansell regarding the installation of infrastructure improvements in the Southwest Annexation Area and providing for impact fee credits and reimbursement to developers through collection of future impact fees.

Mr. Earl said that the original plan was to have both developers sign the agreement and share the cost. However, based on what happened at the Planning Commission meeting, where they recommended the denial of the PD-42 and denial of the PD-43 but made some positive comments about Mr. Mansell's proposed development, City staff had prepared a contingent agreement between the City and only Mr. Mansell's property owners. Mr. Mansell had signed the agreement. That agreement provided that Mr. Mansell would put in the necessary water, sewer and storm drain improvements necessary to serve his property and loop the water line up to 2000 South and the west side of I-15. In exchange, Mr. Mansell would get a credit for the impact fees that would be imposed against his property.

Mr. Earl said that each category of impact fee would be treated separately. Those credits would not be transferrable between utilities. The agreement also provided that if Mr. Mansell had an excess credit he could get reimbursed from future development when they paid impact fees. Mr. Mansell would assume the risk that he might never be fully reimbursed. He would only be reimbursed for what he had spent. Impact fees after paying him back would go to the City, to be used for other infrastructure in the area.

Mayor Brunst **moved**, by resolution to authorize the City Manager, or his designee, to execute a development agreement between the City and Jeff Mansell pertaining to the installation of utility infrastructure in the Southwest Annexation Area and providing for impact fee credits and reimbursement to developers through collection of future impact fees. Mr. Seastrand **seconded** the motion. Those voting aye: Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. Those voting nay: Hans Andersen. The motion **passed**, **6-1**.

6:00 P.M. PUBLIC HEARING – SW Annexation Impact Fees Plan and Analysis  
ORDINANCE – Adoption of Impact Fee Facilities Plans and Impact Fee Analyses,  
establishment of service areas and enacting impact fees for culinary water, sewer, storm  
water, parks, and fire facilities on development activity in the Southwest Annexation Area

The Development Services Department requested the City Council adopt Impact Fee Facilities Plans and Impact Fee Analyses, establish service areas and enact impact fees for culinary water,

sewer, storm water, parks, and fire facilities on development activity in the Southwest Annexation Area.

In a previous agenda item, the City Council considered the Lakeview Addition to Orem City Annexation Petition to annex 227.59 acres into the City of Orem. The Southwest Annexation Area was largely undeveloped and there was very little utility infrastructure in the area. The City Council had previously indicated that it did not intend to expend City funds to install utility infrastructure in the area and that owners or developers of property in the area would be required to install and pay for any utility infrastructure that would be needed for development.

In order to provide a means to reimburse developers who installed more than their proportionate share of necessary infrastructure and to ensure that the cost of installing infrastructure was spread fairly among all development activity, City Staff recommended that the City Council enact impact fees for water, sewer, storm water, parks and fire facilities on all new development activity in the Southwest Annexation Area.

The City Engineer had determined a service area for water, sewer, storm water, parks and fire services in the Southwest Annexation Area and the City had engaged the firm of Lewis Young to prepare an Impact Fee Facilities plan and an Impact Fee Analysis for water, sewer, storm water, parks and fire services. The amount of the impact fees depended on the level of density of development that was anticipated to occur in the Southwest Annexation Area. Generally, the higher the density, the lower the impact fees would be as there would be more development to share the costs.

Lewis Young performed an Impact Fee Analysis based on both a medium density scenario and a low density scenario. The medium density scenario assumed an average overall density of 6.6 equivalent residential units (ERUs) per acre and the low density scenario assumed an overall average density of 4.3 ERUs per acre.

Because the Planning Commission recommended a low density general plan designation for the Southwest Annexation Area, Staff recommended that the City Council consider enacting impact fees based on the low density scenario. Impact fees based on the low density scenario would be consistent with either General Plan Option B (light industrial) or General Plan Option C (low density residential) that were presented to the City Council in a previous item.

Impact fees calculated under the low density scenario assumed that the entire Southwest Annexation Area, when fully developed, could contain development equal to 1,250 ERUs. An ERU was basically a measure of development that had the same impact as one residential unit. For example, development under a light industrial classification would be anticipated to have a development impact equal to 4.3 residential units or 4.3 ERUs.

The service area covered approximately 289 acres. Some impact fees (culinary water, sewer, fire, and parks) were based on a per ERU basis while others were calculated on a per acre basis.

If the proposed impact fees were adopted, new developments would be required to pay the new impact fees as well as water right impact fees, but would not pay current City connection fees. The impact fees would typically be collected prior to the recording of a final plat or the issuance

of a building permit for new development. State law provided that no impact fees could be collected until 90 days after enactment of an impact fee ordinance.

In order to impose impact fees, state law required that the City Council (1) adopt an Impact Fee Facilities Plan, (2) adopt an Impact Fee Analysis, (3) establish a service area, and (4) approve an impact fee enactment that established the amount of the impact fees.

The Development Services Department recommended the City Council adopt the Impact Fee Facilities Plans and Impact Fee Analyses, establish service areas and enact impact fees for culinary water, sewer, storm water, parks, and fire facilities on development activity in the Southwest Annexation Area. The Development Services Department recommended that the City Council adopt impact fees based on the low density scenario and in the following amounts:

1. Culinary water: \$2,369 per ERU.
2. Sewer: \$3,643 per ERU.
3. Storm water: \$8,412 per acre (equates to \$1,944 per ERU).
4. Parks: \$1,595 per residential unit (no parks impact fee would be imposed for non-residential development).
5. Fire: \$219 per residential unit and \$5,251 per acre of nonresidential development.

Fred Philpot with Lewis Young said that they had completed the Impact Fee Facilities Plan and Impact Fee Analysis. He said those documents were combined into a single document for each of the following utilities: culinary water, sanitary sewer, storm drain, parks and recreation, and fire/public safety. He described the process used to prepare those documents, including looking at the service area and demand; level of service; existing facilities and excess capacity; future capital facility needs; and financing. He said that once new impact fees were adopted there would be a 90-day wait period before the fees would become effective.

Mr. Philpot said the total maximum fee recommended was \$9,770 on a typical ERU. He provided some comparisons with other cities, including Eagle Mountain at \$8,156; Provo at \$6,347; and St. George at \$5,165. He said the recommended fee reflected the level of service and needs for an annexation area. He said it was typically more expensive to build on the periphery of a community.

Mr. Macdonald clarified that the comparisons were from city-wide fees and the current proposal was just for the annexation area, so it was really not an apples-to-apples comparison. Mr. Philpot said that Mr. Macdonald was correct, but that there was some comparison when considering fee per unit. Impact fees were proportionate to a specific demand unit. He also explained that fees were based on original costs, so some fees were based on dollar amounts from decades ago and the proposed fees were based on future costs.

Mr. Spencer asked Mr. Mansell to explain the timeline for the project. Mr. Mansell said they first needed to get site plan approval and they would work with staff on engineering for the infrastructure and the site plan probably next year.

Mr. Philpot recommended that the Council not think of the fees as “set in stone”.

Mayor Brunst said that the fees were being set as they were viewed now, but things could change. He asked the process of changing the fees in the future, as he was concerned about inconsistency if fees were changed frequently.

Mr. Earl said an updated impact fee study would be needed to justify a change in fees.

Mayor Brunst opened the public hearing.

Jim Fawcett, resident, said he had reviewed information about the Utility Master Plan on the Orem website. He was concerned about a noted existing water storage deficiency of 10 million gallons, and was not sure where the storage would be borrowed from. He said state storage requirements could be met for the annexation area by constructing a well. He did not see how any connection could happen without first building a well.

Mayor Brunst suggested Mr. Fawcett contact the City's Public Works staff to address some of his concerns.

Mr. Philpot said from an impact fee standpoint, the construction of assets did not exactly mirror the development pattern that would occur. In some cases infrastructure was built in advance of development and in other cases it was built as development came on to the system. He said where excess capacity was not available there could be a reduction in the level of service for a short time. Level of service went through ebbs and flows, peaks and troughs, with the intent to maintain a level of service over time. He said at any given day it would ebb and flow where development was, but they tried to proportion the impact fees to account for that level of service. The building of a well, for example, may happen down the road, but the impact fees covered the cost regardless of when it was built.

Shawn Bunderson, resident, asked for clarification on the impact fees for parks and public safety. He thought those would be paid for through city taxes, which they would now pay as Orem residents. He was not clear on why the annexation area would be paying impact fees for a fire station that had been planned for long before the annexation. There was no other part of the City that would be paying an impact fee for that fire station, or for parks, but they paid through taxes. He was concerned about those expenses being covered by a small strip of land by impact fees instead of by citywide taxes.

Jessica Street, resident, said she was concerned about basement flooding issues for the Mansell project units because of the proximity to Utah Lake. She wondered if that issue had been planned for.

Mayor Brunst said those units did not have basements so basement flooding was not an issue.

Mayor Brunst closed the public hearing.

Mrs. Black asked for clarification about the parks and fire impact fee. She believed those were typical impact fees when impact fees were assessed.

Mr. Bybee said they were typical impact fees, and they were assessed for the same reasons that utilities were assessed for impact fees. Ongoing utility fees would not pay for new capital

infrastructure, and property taxes would not be paying for the new demand in the annexation area.

Mayor Brunst said Orem was well known for having parks and the parks impact fee was for the area to support itself when a park was built in the future.

Mr. Earl said the parks calculation was based on the amount of square footage of current city park space per resident. The park impact fee number was calculated in a similar way, based on anticipated park square footage per anticipated resident; this would provide the same parks level of service as the rest of the city. The idea was that existing residents who had already paid for existing parks would not have to pay for new parks that would serve the new residents.

Mayor Brunst **moved**, by ordinance, to adopt Impact Fee Facilities Plans and Impact Fee Analyses, establishment of service areas and enacting impact fees for culinary water, sewer, storm water, parks, and fire facilities on development activity in the Southwest Annexation Area in the amounts as listed in the Impact Fee Analyses. Mr. Spencer **seconded** the motion. Those voting aye: Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. Those voting nay: Hans Andersen. The motion **passed, 6-1**.

## COMMUNICATION ITEMS

### MONTHLY FINANCIAL SUMMARY – June 2015

The Monthly Financial Summary was included in the packets distributed to the City Council.

### MONTHLY FINANCIAL SUMMARY – July 2015

The Monthly Financial Summary was included in the packets distributed to the City Council.

## CITY MANAGER INFORMATION ITEMS

There were no city manager information items.

## ADJOURNMENT

Mr. Macdonald **moved** to adjourn the meeting. Mr. Andersen **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed** unanimously.

The meeting adjourned at 2:23 a.m.

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Donna R. Weaver, City Recorder

Approved: October 27, 2015